Three Treatiſes,

Of the ſecond part of Symbolæographie.

First, Of Comprimiſes and Arbitrements.
2. Of Fines, Concordes, and Common Recoueries.
3. Of Offences and Indictments.

Newlie made by WILLIAM WEST *of the Inner Temple Gent.*

Wherunto is annexed another Treatiſe of Equitie, the iuriſdiction and proceedinges of the high Court of Chauncerie by the ſame Author.

Math. 5. verſ. 9.
Beate pacifici: nam ij Dei filij vocabuntur.

LEVIT. cap. 19. verſ. 17. et 18.
Non oderis fratrem tuum in corde tuo, ſed publice argue eum, ne habeas ſuper illum peccatum. Non quæras &c.

Non mihi ſi lingua centum ſint, oraq; centum, ferrea vox omnes ſcelerum comprehendere formas, datum eſſet. Vergil. æneid. 6.

Ingenijs ſtudium, ſtudijs diligentia.

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Anno Do. 1594.

CVM PRIVILEGIO.

DEC 15 1936
12/15/36

Viro Iurisprudentiæ & pietatis laude
illustrissimo EDWARDO COOK
Armigero, serenissimæ Reginæ Maiestatis
Procuratori summo, Will. West
veram exoptat fœlicitatem.

QVm ijs fere omnibus qui lucubrationes suas de aliquo disciplinę genere in publicum proferunt, in more positũ esse videtur (vir illustrissime) vt in Epistolis suis nuncupatorijs, duo potissimum sequantur, vnum, vt illum ipsum, cuius patrocinio niti statuunt, dignis laudibus efferant, alterum, vt labores ipsos grato enconio afficiant, erunt fortasse nonnulli, qui idem à me faciendum arbitrabuntur: à quibus tamen ego longé diuersum sentio. Vtrumq; enim vt vellem maximé, certe non possem. Nam ab hoc, ingenioli mei tenuitas, ab illo, pudor quidam ingenitus me remoratur. Et verò, si in laudes tuas excurrerem longius, vereor, vt & ipse hoc non patereris, Et ego cùm corporis, tum animi dotiũ, quas natura affatim in te quasi effudisse videtur, multitudine obrutus, neq; quid præ ceteris dicendũ, neq; quomodo finis faciendus sit, facilé reperire possem: siue de eximia iuris nostri scientia, siue de singulari pietate tua dixero, quas in te (vir ornatissime) ætas etiã num integra, tam mature nobis exhibuit, vt ad quasuis res præclaras gerendas, non factus, sed natus, esse videaris. Quarum veluti suffragijs ad præclara numera iamdudum euectus, alijsq;, etiam grandæuis, prælatus es. Sed quicquid ipse de te dixero, dicturus illud sum tenuius, minùsq; splendidé, quam dici debuisset, et rei dignitas postularet. Itaq; malui silere, ac singulares illas animi, corporisq; tui dotes suspicere, quam nihil dicendo, infantiam meã prodere. De opella autem mea gloriosius dicere nihil attinet. Illius enim argumentum eiusmodi est, vt nullius adeò commendatione magnopere egere videatur, quippe quod de ijs rebus tractat, quæ ad pacem & concordiam, cum cõstituendam, tum restituendam, spectãt maxime: siue enim, tractatum primũ de compromissis & arbitrijs siue alterum illum, de finibus & recuperationibus, quæ dicũtur, siue postremum de criminibus & accusationibus inde oriundis, contempleris, nihil aliud, quàm in quietem & tranquillitatem humanę so-

nę societatis, spirare videtur omnia. Nam arbitria, lites iique suscitatas leuiter cōponunt: fines & recuperationes, dominia & proprietates firmāt: accusationes, nocentum peccata detegunt, vt noçentes ipsi vel fanentur, vel e medio tollantur, ne istorum virus proximos quosque vel conficiat vel inficiat. Et certe haud scio, an pace quicquam augustius ad veram singulorum felicitatem excogitari poterit, illa namq; nobiscū cōmorante, omnibus bonis ac cōmodis abundamus atq; ex animi sententia succedūt omnia. At si dulcissima eius consuetudine priuemur, eaq; à nobis exulet, statim bello, omnibus malis atque ærumnis expositi, vitam longe miserimā ducimus. Modum autem quo hæc tractaui, laudare, meum non est. Quod si enim is eiusmodi est, qui tibi, alijsq; bonis, & doctis viris placeat, satis per se ipsum comendatus erit: sin minus, vana rei non probandæ comendatio, ipsam laudabiliorem non efficiet. De animo autem meo, hoc tua pace libere effari libet, voluisse me prodesse quamplurimis, ijs autem pręcipue, qui prima iuris nostri tyrocinia exercent. Quod vt melius præstare possem, ista volui qualicunque methodo: qum profecto nulla mihi videatur dicendi ars alia nisi methodus, quæ a prioribus natura, ad proxima, quæ a notiorib⁹, ad minus nota, quæ a generalibus, ad specialia, quæ a finitis, ad infinita, quęque ita demum ab instituto aliquo genere ad media, tum definiendo, tum diuidendo, transit, donec tandem in exemplorū infinitate consistat, quam quidem disponendi rationem, tibi (vir ornatissime) non ingratam fore confido, cum omnes tuæ disputationes, atque adeo dicta omnia, illam ipsam suauissime semper spirare videntur. Te igitur horum mæcenatem rogo, pro genuiua & laudatissima illa tua in rem literariam, literatosque omnes promouendi, promptitudine, & verę pacis amore singulari, acerrimoque tuo in dilecta odio, si alia reipublicæ grauiora negotia non impediant, hunc libellum cognoscere, suscipere, ac tueri velis, quo mihi animos ad hæc augenda & perpolienda, & hijs maiora alacriter aggredienda, addas. Te (vir iurisconsultissime) æternæ pacis author ad sui nominis gloriam, ecclesiæ commodum, & reipublice tranquillitatem, quam diutissime seruet incolumem, ex ædibus meis Firbectiensibus haud longe à Doncastria burgo, in agro Eboracensi, postridie calendas Maias, Anno salutis per Christi solius sanguinem restitutæ. 1594.

Tibi deditißimus,
Wilhelmus West.

SYMBOLEOGRAPHY
PARS SECVNDA.

¶ Of Compromiſe and Arbitrements.

SECTIO. 1.

A Compromiſe defined.

A Compromiſe or Submiſſion, Arbitrium Compromiſſum ſubmiſſio, is the facultie or power of pronouncing ſentence betweene perſons at controuerſie giuen to Arbitrators by the parties mutual priuate conſent, without publike authoritie, 8. E. 4. 2.

Sectio. 2. ¶ *Compromiſe deuided.*

A EVerie Compromiſe is generall or ſpeciall, Dyer 217. pla. 6. 4. Eliz.

Sectio. 3. ¶ *Compromiſe generall.*

A A General compromiſe is of all quarrels, actions, executions and demaunds &c.

Sectio. 4. ¶ *Compromiſe ſpeciall.*

A A Speciall Compromiſe is euerie ſubmiſſion to order which is not ſo generall, as when it is of certein matters, facts, or things onely, as of a treſpaſſe, or of all actions of Treſpas, or of a plaint of det, or detinue.

Sectio. 5. ¶ *Parts of Iudgements.*

AS of euery other iudgement, so of iudgments which A
growe by compromise there are two parts, the persons,
and the question.

Sectio. 6. ¶ *Persons in iudgements.*

PErsons chiefly regarded in compromise, are the striuing A
parties, and tharbitrators.

Sectio. 7. ¶ *Persons striuing.*

THe parties striuing be they, betweene whom the con- A
trouersie dependeth, and which compromit the same.
Dyer 217. 4. Eliz. 30.

Sectio. 8. ¶ *Persons striuing. 2.*

AND they must be two at the least, namely the plaintife, A
and the defendant, of which sometime there be two, or
more of a side.

¶ *The plaintife.*

THe Plaintife, is he which moueth the question. B

¶ *The defendant.*

The defendant is he against whom the question is C
moued.

Sectio. 9. ¶ *What persons may compromit and what not.*

ALl persons both male & female may make compromise, A
but such as are prohibited by nature or by law.

Sectio. 10. ¶ *Impediments to compromit.*

BY nature some are prohibited to compromit through de- A
fect of the mind, and some through defect of the body.

Sectio. 11. ¶ *Impediments in mind natural.*

THrough the defect of the mind, is when either age is A
such that by nature they want discretion, or being at
age

age they want it, either naturally, or casually, as infants vnder one and twentie yeres old. 10.H.6.14.18.E.4.2. 7.E.4.5.

Sectio. 12. ¶ *Impediments in mind casuall.*

AND furiouse mad lunatikes, during their lunacie, 12. E.4.8. and Ideots.

Sectio 13. ¶ *Impediments in bodie.*

A DEfect of the bodie is such infirmitie as hindreth the principal senses necessarie for the attayning of knowledge, as dumbnes, deafenes, and blindnes.

Sectio 14. ¶ *Dumbnes and deafenes natural & casual.*

AND therefore persons by nature, dumbe and deafe, cannot compromit, as it semeth, for they cannot haue vnderstanding, neither can they graunt. Parkins, Sectio 25. but persons blind, dumbe, and deafe by chance, which can write and read, may wel by writing compromit.

Sectio 15. ¶ *Impediments legal. subiection, ioint power.*

ASuch persons seme prohibited by law to compromit, as be subiect to others power, or haue onely ioint powers with others, as bondslaues or villeins, least the awarde should become void on their part, 35.E.3.

Sectio 16. ¶ *Couerture.*

AIn like maner, women couert without their husbands, 2. H.5.9.E.3.28.

Sectio 17. ¶ *Death ciuill.*

AND persons Ciuilly dead, as monks, fryers, canons, professed Nuns, & such other superstitiouse votaries, which be in subiection to their Soueraignes, 14.H.8.16.2. R.2.5.

Sectio. 18. ¶ *Compromise.*

HEreunto may be added, men compelled to submit by threats, or imprisonment, 8. Ass. 25. 7. E. 4. 21. for in submission the consent ought to be free. A

Sectio. 19. ¶ *Attainder and Outlarie.*

OF this sort also are persons attcinted of felony or treason, and persons outlawed or wayued in personal actions, for they haue no goods, 36. H. 6. 26. 16. H. 6. 47. 21. H. 7. 7. 8. E. 4. 4. 5. H. 7. 16. A

Sectio 20. ¶ *Ioint power.*

PErsons prohibited to compromit, for that they haue onelie ioint power with others, are the single members of euery corporation without their fellow members, as a Dean without a Chapter, an Abbot without his Couent, A Maior without his Comminaltie. The master of a Colledge or Hospitall without his fellows, and so of other societies or guildes, 21. E. 4. 13. And in awarde it seemeth that such persons only may of themselues compromit, as may of themselues make good graunts. A

Sectio. 21. ¶ *Arbitrators defined.*

AN Arbitrator is an extraordinarie Iudge which is chosen and hath power to iudge giuen to him by thonely mutual consent, will, compromise, and election of priuate persons, striuing to thend they may decide their controuersies, 19. H. 6. 36. who because the controuersie is committed to his pleasure, and arbitremēt, is termed an arbitrator, and for that it is done by the mutual promise or cōpromise of the parties, he is called compromissarius iudex. Dier 536. 19. Eliz. 359. Or a Iudge hauing cognisance by the compromise of the parties his power is larger then the power of any ordinarie or other extraordinarie Iudge appoin- A

appointed by a maiestrate for an arbitrator hath power to iudge according to the compromise after his own mind aswell of the fact as of the Law, not obseruing the forme of Law, but thother Iudges are tyed to a prescript forme limitted to them by the Law or Magistrate, of which they be onely executors, For which cause Tully saieth well. Aliud est iudicium, aliud arbitrium, nam iudicium est pecuniæ certæ, arbitrium incertæ: ad iudicium hoc modo venimus, vt totam litem aut obtineamus aut amittamus, At arbitrium hoc modo adimus, vt neque nihil neque tantum quantum postulamus consequamur, whence springeth this old saying, hee that putteth his coate to dying is like to lose a quarter.

Sectio. 22. *The choise of Arbitrators.*

A SEing then the power of arbitrators is such and so great and vncontrollable, warinesse must be vsed in the choise of them. In which two things seeme necessarie to be regarded, namely that the arbitrators be sufficient, and indifferent.

Sectio. 23. *Sufficiency of Arbitrators considered.*

A TOuching their sufficiency such persons are to be elected, as haue neither legal nor naturall impediment to giue an vpright sentence. Natural impedimẽts, be through defect of mind or bodie, natural impediments through defect of mind bee infancy, for infants by reason of their tendernes of yeres want discretion to manage themselues, and their owne affaires, madnes, and Ideocy, for they who are maymed with these blemishes are vtterly void of vnderstanding. And although I haue red some examples of sage sentences giuen by fools, yet dare I not aduise my friends to except alwaies the like at their hands. As this.

Sectio. 24. *A fooles Arbitrament.*

A THat an hungry begger espying deintie chære in a cooks shop hasted thither, and being set downe, did eate a smal

peze of his stale bread, incontinently receiued such wonderful comfort, by the sweete sauce, of the cokes cates and sauces, wherof he tasted no bytt, that he confessed, that his eager stomacke, was as wel satisfied therewith, and had as good a repast, as if he had indeed stuffed his paunch, with the best cheare there: which the coke hearing, straight waies with a sterne countenance, bids the poze caytife pay for his breakfast, whereat the simple guest was mightely amased, and the crafty coke somuch the more earnest, insomuh that this poze man, and the coke were content therin, to abide the award of him that should next passe by, but no sooner was the submission made, but thither cometh a most notorious naturall fole, to whom as their Judge, they rehearsed ỹ matter, which being heard, ỹ Ideot caused ỹ poze man to put so much mony betwen two basons as the couetous coke exacted, and to shake them in the cokes hearing, which done this arbitrator awarded, that as the coke had fedd the poze man with onely smels of his cates, so the poze man should pay him therfoze, with the only sound of his coine, which sentence was highly appzoued of al the hearers.

Sectio 25. ¶ *A simple magistrates Arbitrement.*

NOt much vnlike to this, is that, which is repozted of a couetous churle, who sozrowed extremely, foz that he had lost a purse, with ony and twentie angels in it. But an honest man hauing found the same, of mere conscience deliuered it to the same churle, who not once thanking him that was the bringer, fals to accompt his coine, and finding onely twentie angels in the purse, with great rigoz exacted the odd angell, and because the honest man denyed the finding thereof, he conuented him befoze a magistrate of a cozpozation, whose wealth and authoritie, farre exceeded his witt (as in such places commonly happneth, foz that affection and simplicity, be their ordinarie electozs.) The plein-

pleintife sweareth, there were one and twentie angels in the purse which he lost, the defendant, that there were onlie twenty in ẏ which he found, wherupon the magistrate pronounced that the purse found was not the plaintifes, and therefore adiudged him to restore vnto the defendant the purse with twentie angels, leauing the plaintife to good fortune for the finding againe of his purse with one and twentie angels. I thinke a man may trie a thousand fooles in the like cases, before he receiue the like sentence.

Sectio. 26. ¶ *Defects of the body in Arbitrators.*

A THe defects of ẏ bodie hindering Judgement are infirmities, by which ẏ principal sencss necessarie for ẏ apprehẽsion of knowledge, are impaired, as by deafenes, dombnes, & blindnes, & being void of these infirmities, they haue sufficient skill of the things compromitted.

Sectio 27. ¶ *Arbitrators indifferent who?*

A AND for indifferency, it is good that tharbitrators be void of malice and fauour, to either of the parties, that they be not notoriouse by outlarie, excommunicatiõ, or suspected of any other notoriouse crime, that they be neither irreligiouse nor couetous. For albeit as is said, an arbitrator hath herein absolute power, yet ought his Judgement or sentence to be sincere and incorrupt, according to right and equitie, without malice, flatterie, and euerie other vitious affection or perturbation, which may in any sort leade him awrie from the right pathe of Justice and equitie.

Hitherto of persons regarded in submissions.

Sectio 28. ¶ *The question.*

A THe question which conteineth the matter of tharbitrement, followeth.

The question is a thing in controuersie declared to the Iudge or arbitrator to thend it may by him be decided. Dyer fol.216.4.Eliz.pla.6. B

Sectio.29. *The question double.*

And euery question is either about the fact, or about right. A

Sectio.30. *The question of the fact.*

A Question of the fact, is when such a fact is enquired of, as is doubtfull. A

Sectio.31. *The question of right.*

The question of right is when the fact being knowne, it is yet doubtful how much is thereby growen, right and due to eche partie by law. A

Sectio.31. *What is to be considered in eche question.*

And in euerie question hereupon arysing, it is to be considered whether the thing in question be arbitrable or no: for in vaine it is to compromit things not arbitrable, Let vs therefore se what thinges ben arbitrable and what not. A

Sectio.32. *What things are Arbitrable and what not.*

Things and actions personal incertein are arbitrable as trespas, award taking away &c. 22.H.6.39.14.H.4. 2.4.H.6.17. But things certein are not arbitrable but by specialty, if they be not ioyned with others incertein, as debt with trespas, 4.H.6.17.2.H.5.2.12.R.2. Dyer 33.H.8.fo.51.pla.14. A

But Chattels real or mixt, are not arbitrable by themselues, as Charters of lands, 9.H.6.60.14.H.4.24. if it be not by specialtie, 19.H.6.3.H.6. B

Also an annuitie is not arbitrable, if it be not by specialtie, 9.H.6.60.14.H.4.18.3.H.4.6.

D Nor a freehold 11.Hen.4.12. 14.Hen.4. 18. & 19.Et 24. 54. Ed.3.16.12. aſſ.p.25. 21.E.3.15.

Nor debt vpon arrerages of accoinpt before auditors, 4. Hen.6.17. becauſe ſuch debt is due by record. 3.Hen. 4.5. 6 Hen.49.

E Alſo it ſeemeth that neither ſuch things as were not in rerum natur at the time of the ſubmiſſion, though they happen to be before the award made be arbitrable, as if the ſubmiſſion be of Ewes with lambe, after the ſubmiſſion before the award made haue lambes, it ſeemeth they haue no power to make any award touching the lambes.

F Matters concerning the common wealth ſeeme not arbitrable, as all criminall offences, as treaſons, felonies, &c. touching the crime, for it is for the benefite of the comwealth, that ſuch offendors be made knowen and puniſhed.

G Alſo cauſes matrimonial ſeeme not arbitrable leſt men ſhould ſeperate thoſe whom God hath ioined together.

Sectio 33. *Circumſtances regarded in ſubmiſſions: Firſt that it be in writing.*

A NOW that we haue ſet forth the perſons and things neceſſarie in euery compromiſe, it is good to conſider ſuch other circumſtances as be requiſite in the ſame.

Three things therefore beſide the perſons and thinges are meet to be obſerued in euerie compromiſe.

Firſt that euery compromiſe be made by writing with the parties couenants or bonds ſufficient to bynd their heires and executors to performe the award which ſhall thereupon be made, that both the arbitrators may know their power, and the parties how far they are ſubiect to their ſentence. And alſo leaſt their labour and iudgement therein ſhould be fruſtrate for want of meanes to compel the ſame to be executed.

Secondly

Sectio 34. *Of the power giuen to arbitrators.*

SEcondly, it is behouefull that the verie Compromist arme the arbitrators with sufficient authority to do all things necessarie for the ending of the controuersies: as to appoint times and places for their meeting to examine & decide the matter compromitted, and to bring the parties with their proues, euidences, and witnesses thither together before them. And to punish the persons defectiue, and to expound and correct such doubtfull sentences and questiõs, as may arise vpon their award, inconuenient to either parties contrary to equity, and the arbitrators good meaning, which inconueniences could not by them be foreséne, at the making of the award, as it oftentimes happeth: for temporis filia veritas, truth is the daughter of time. A

Sectio 35. ¶ *Of time and place.*

THirdly, that by the compromise, conuenient time and place be limited for the yelding vp of their award to the parties or their atturneies, deputies, or assignes, least the parties should otherwise be long lingered with vaine hope of an endlesse end, and that the arbitrators may before the set time, finish their award: for whatsoeuer they doe arbitrate after the time appointed, is voide 8. Hen. 6. f. 18. A

And it is al void that is not conteined in the submission, or necessarily depending thereupon 7. Hen. 6. f. 40. 8. Hen. 6. fol. 18. 36. H. 6. fol. 21. as shall more largely appeare, when we come to the doctrine of arbitrements.

The instrument of compromise or submission, may be made in forme following.

Sectio 36. ¶ *A compromise or submission with couenants to performe the same.*

THis Indenture made &c. betweene A. B. on the one party A

partie and C.D. on the other partie, witnesseth, that the said A.B and C.D. doe by these presents, willingly compromit and submit themselues, and either of them, to the award, arbitrement, order, rule, dome, and iudgement of E.F & G.H. arbitrators indifferently named, elected, and chosen by the said parties to arbitrate, award, order, decree, and iudge, of, and vpon all and all maner of actions, suits, quarels, debts, accompts, trespasses, controuersies, debates, & demaunds whatsoeuer, had, made, moued, depending, or accrewed, or which might haue bin had, or moued, betweene ỹ said parties, at any time or times before the date hereof, except one action of debt &c. depending betweene the said parties in ỹ M. maiesties court of common pleas or before, &c. & except one debt of x. li. due to the said A.B. by the said C.D. for the price of certein corne, &c. and except al lands and tenements of the said A.B. & such like exceptions &c. So alwaies that the same arbitrators doe make their award, order, and iudgemẽt of, & concerning ỹ premisses to be made, by writing indented, vnder al their handes and seales, on this syde, and before the x. day of June now next ensuing, and one part of the same deliuer or cause to be deliuered by the said arbitrators to the said A.B. or his certein atturney or atturneies in that behalf, requiring the same, the said x. day of June now next comming, at or in the parish church of A. in the said countie of Portie. And the other part of the said award to the said C.D. his atturney or atturneies, deputie, or assignes, requiring the same at the said day and place: & so alwaies, that the said arbitrators do not by the said award, order, or appoint any act, or actes, thing, or things, to be done or performed, by, or to any person, or persons, other then to or by the said parties to these presẽts, their heires, executors, administrators, or assignes, or some of thẽ, & not to or by any estrãger or estrãgers to this present submission.

And

And the said A.B. and C.D. and either of them for themselues, their heires, executors, and administrators, and the heires, executors, and administrators of either of the, doe by these presents mutually couenant, conclude, promise, and agree to and with the other his executors and administrators, and euery of them, that neither they nor either of them, will at any time hereafter reuoke the authoritie hereby giuen to the said arbitrators, nor discharge them nor either of them of the said faculty or power of arbitration. And that they and either of them, and the heires, executors, administrators, and assignes, of either of them on their seueral parts shall, & wil wel & truely obserue, performe, fulfill and keepe all and euery clause, sentence, article, submission, and agreement in these presents mentioned on his or their part to be performed and kept according to the tenor, true intent, & meaning of the same. In witnesse whereof the said parties to these presents haue interchangeably set their hands & seales, the day and yeare first aboue written.

Sectio. 37 *Of binding the parties to performe the ward.*

OR the parties may submit themselues to a ward by obligation, with condicion according to the effecte of the said Instrument of submission, but that seemeth perilous, for that that so they may for a trifle, hazard the whole penalty of the bond, which were twoo mischieuous. Neuertheless if any be willing to aduenture, the parties may be bound either to other, and the condition may be made in forme following. A

Sectio 38. *The condition of an obligation to performe an award.*

THE condition of this obligation is such that if the aboue bounden A.B. his heires, executors, administrators, and assignes, and euery of them doe on his and on their part and behalfe well and truelie stand to obay, perform B

forme fulfill and kepe the award, arbitrement, order, rule, dome, and iudgement of S.T. and W.R. arbitrators indifferently elected and chosen aswel, on the part of the said A.B. on the one partie as on the part of the aboue named C.D. on the other partie, to arbitrate, award, order, and iudge, of and vpon all and all maner of actions, suits, quarrels, debts, accounpts, trespasses, controuersies, debates, and demaundes whatsoeuer had, moued, depending, or accrewed, or which might haue bin had or moued betweene the said parties at any time or times before the date hereof, except one action of Ejectione firme, depending betweene the said parties in the Quenes maiesties court commonly called the kings bench as by the records thereof in the same court remaining it doth & may appeare, and except out of this submission, all lands and tenements of the said A.B. (or any like exception.) So alwaies that the same award arbitrement, order, & iudgement of and concerning the premisses be made by writing Indented vnder all their hands and seales before the first day of December now next ensuing, and one part of the same deliuered or caused to be deliuered by the said arbitrators to the said A.B. or his certein Atturney or atturneys, deputie, or deputies, in that behalfe requiring the same the said first day of December, now next ensuing at or in the parish church of R. in the said countie of Yorke: And the other part of the said award be likewise deliuered by the said arbitrators, to the said C.D. or his certeine atturney, or atturneys, deputie, or deputies, in that behalfe requiring the same, at the said day and place. And so that by vertue or occasion of the said award neither of the said parties, nor the seuerall heires, executors, or administrators, of them or any of them be to doe any act or thing, to or by any estranger to the same award, and to these presents. And so as the said A.B. do not discharge the said arbitrators before the said time. That then this

present

present obligation to be vtterly void and of none effect, or else to stand, remaine, continue, and be, in ful strength and vertue.

Sectio 39. ¶ *Of the condition to performe an award, of landes.*

AND if the award be cõcerning a title to land the words in the condition may be thus. A

Aswell, of, for, and concerning the right, title, interest, vse, possession, and demaund, of, and in the maner of S. with the apurtenances in S. in the said countie of P. and all landes, tenements, and hereditamentes, with the appurtenances in S. aforesaid in the occupation of the said A.B. and his assignes, as, of, and vpon all actions, trespasses, suits, quarrels, debts, duties, debates, griefs, inconueniences, and demaunds, had, moued, stirred, or depending, betweene the said parties, concerning the said Manor, tenements, and premisses, or any part thereof. And also, if the said A. B. before the feast of P. now nert comming, do shew vnto the said arbitrators, all such writings as he hath concerning the said Manor and premisses, at such time and place, as the said arbitrators shall appoint for the sight thereof. So alwaies that, &c. vt supra. That then &c. vt supra.

Sectio 40 ¶ *Whether power to arbitrate may be assigned.*

AN arbitrator chosen cannot graunt, or assigne over his authoritie of arbitration to any other. S. Edw. 4. f. 1. & 9. because it is but a made power, which is not to be granted ouer, notwithstanding the opinion in 47. Edw. 3. 20. to the contrarie, neither doth the submission extend to giue the arbitrators power to elect others. A

Sectio 41.

Sectio 41 ¶ *Whether the compromittors may discharge the arbitrators or no.*

A AND it semeth, that albeit the parties haue agreed vpon daiesmen, or arbitrators, yet before the arbitrement made, either of the parties may reuoke the authoritie giuen to the arbitrators, and discharge them thereof, for power may be countermaunded, but if the submission be made by bond, then the bond seemeth to be forfeited. 5. E. 4. 1. 21. H. 6. 30. 28. H. 6. 6. 49. E. 3. 9.

But by Ashton Iustice if 2. plaintifs, & one defendāt, or 2. defendāts, & 1. plaintife put themselues to ỹ award of others, neither ỹ one plaintife without ỹ other, nor ỹ one defendāt without ỹ other, may discharge the arbitrators. 28. H. 6. 6. And by Fynch 49. E. 3. 9. If the submission be by deed, the discharge must likewise be by deed. So much of submissions, arming the arbitrators with power: Now of arbitrements issuing from the same.

Sectio 42. ¶ *What an arbitrement is.*

A AN arbitrement, or award therefore, arbitramentum, laudum, arbitratus. Libro Intrationū, dett in arbitr. 2. & 3. is nothing else but the verie dome, order, and decree pronounced by arbitrators vpon the controuersie, for the ending whereof they were chosen by the striuing parties. Dier. 356. 10. Eliz. pl. 39.

Sectio 43. ¶ *Of thinges regarded in Arbitrements.*

A IN the forme of euery arbitrement, fiue things are specially to be regarded.

First, that it be made according to the very submission or compromise touching the thinges compromitted, and euery other circumstance as is said. 9. E. 4. 44. Plow. 396. a.

Secondly,

Secondly that it be a final end of the controuersies compromitted. 19. H. 6. 36. 21-Ed. 4. 38.

Thirdly that it appoint either partie to giue or do vnto B
the other some thing beneficiall in appearance at the least 43. Ed. 28. Dyer 356. 19. Eliz. p. 39. 12. Hen. 7. 39. Hen. 6. 9. 22. E. 4. 25. 7. Hen. 6. 40. 19. Hen. 6. 36. 10. Hen. 6. 19.

Fourthly, that the performance thereof be possible. C
22. Henr. 6. 46. 8. Edw. 4. 1. Et 9. 17. Edw. 4. 5. Hen. 7.

Fifthly that there be a meanes how either partie may D
by law attaine vnto that which is thereby awarded vnto him. 5. Ed. 4. & 24. 17. Ed. 4. 5. 18. Ed. 4. 22, & 23. 5. Hen. 7. 23.

For if it faile in any of these points, then is the whole E
arbitrament voide and of none effect, as it doth manifestly appeare by these speciall cases following. As,

An award that the parties shall obay the arbitrement. F
of A. B. is void, for power cannot be assigned, 8. E. 4. 19

An award that any of the parties shalbe boūd, or do any other act by the aduise of ỹ arbitrators is not good, because they cannot make seuerall awardes. 18. Ed. 4. 22. 23. but that the parties shall be bound or make assurance by the aduise of counsaile is good, 18. Ed. 4. 22. & 23.

Arbitrament that the parties shalbe nonsuit in actions G
is not good, for euery award to be a satisfaction to the parties, and a determination of the things compromitted, so as one partie haue amends, but when one hath bin nonsuit he may begin againe, 19, H. 6. 36. 21. E. 4. 38.

But an award that the parties shall make discontinu- H
ance & retrarits of their suits is good. 21. E. 4. 38. 5. H. 7. 22.

If the submission be of diuers things, and the award onely of some part of them, yet is the award good, for that part, notwithstanding, as if the submission be of all actions real and personall, and the award of actions personal onely: and if it be de iure et possessione, and the award is only

onely De poſſeſſione, 19.H.6.6. per Cur, notwithſtanding the contrarie opinion of Priſot, 39.H.6.9.

K An award that an action ſhalbe ſued betweene the parties, by thaduiſe of A. and B. is good, for that A. and B. in this caſe are not arbitrators, but executors of the award, yet Quere for it is vncertein whether they wil giue aduiſe or no. 8.E.4.1.& 4.

L Arbitrement that the plaintife ſhall pay to the defendant x.li and releaſe to him al actions, And that the defendant ſhall releaſe to the plaintife all actions, is good. 20. H.6.18.& 19.

M Arbitrement that either partie ſhall releaſe to other all actions, and that becauſe thone hath treſpaſſed more then thother, he ſhall pay to thother, x. s. is good. 20. H. 6.18.& 19.

N Arbitrement that either partie ſhall go quite againſt other, is good, 20.H.6.18.& 19. 10.H.6.14. 19.H.6.36. 22.H. 6. 39. Dyer 356. 16. Elizab. pla. 39. 21. H. 6, that it is not good, if the ſubmiſſion were by paroll. 9.E.4.8.

O An Arbitrement in treſpaſſe is not good, if it awarde not ſomething to the plaintife for amendes, 43. Edw. 3. 28.

P In treſpas of goods taken, it is no good award, that the defendant ſhal reteine part of the goods, and the pleintife haue the reſt, 7.E.3.16.

Q In det of x.li. it is no good Arbitrement, that the plaintife ſhall retaine the one mortie, and the defendant haue thother, 45.E.3.16.

R In Treſpas, award that if the defendant wil wage his Lawe, that hee is not guiltie, that then he ſhall goe quit, and that the pleintife ſhal releaſe vnto him ſeemeth good, 46.E.3.17.

S Award, that for ſo much as thone hath done more treſpaſſe then thother, therefore he ſhall giue him a penie for amends, And that thother ſhall go quit againſt him

is good. 19. H. 6. 3. 6.

By Priſot, if two ſubmit themſelues to Arbitrement of all treſpaſſes &c. and it is awarded that thone ſhall make amends to thother, and nothing is awarded for thothers benefit, this award is void, 7. H. 6. 40. 39. H. 6. 9. 22. E. 4. 25. So if it were that thone only ſhal go quit againſt thother, for an award muſt be final, obligatory and ſatiſfactorie, to both parties, 7. H. 6. 40. 19. H. 6. 36. 20. H. 6. 18. T

Award in treſpas of goods taken that the defendant ſhal carry & redeliuer the goods taken to the pleintif, is good, 12. H. 7. 14. & 15. V

Award that the one party ſhal pay rr. s. or enfeoffe &c. is good, & the perfor̃mãce of either ſufficeth, 21. H. 6. 22. H. 6. 52. X

An award that one of the parties ſhal do an act to an eſtranger, is void, if the parties be not bound. 22. H. 6. 46.

Or if an award be to pay x. li. to an eſtranger, it is void, for how can he pay the ſame, if he will not accept it, 22. H. 6. 46. 8. E. 4. 1. & 9. Y

Or if thaward be that he ſhal cauſe an eſtranger to enfeoffe thother party, for he hath no meane to compell the ſtranger, 17. E. 4. 5. So if it be awarded that he ſhalbe bound with ſuerties, 18. E. 4. 22. 23. 5. H. 7. 23. Z

Arbitrement that money ſhalbe payd at a day to come is good, for the party may thereof haue an action of debt after the day, if it be not paid accordingly, 20. H. 6. 12. 5. E. 4. 7. aa

But award to do any other thing at a day to come, is void, if the ſubmiſſion be not by ſpecialtie, becauſe the partie hath no meanes to compell his aduerſarie to perfor̃me it, 5. E. 4. 7. & 24.

An award is void (as is ſaid) if it neither be executed, nor any means by law for therecution thereof. As if it be awarded, that thone ſhall pay to thother x. li. this is good, for he may recouer the ſame by action of debt. But if it were awarded that thone ſhould deliuer to thother an acre of land, or ſuch like act executory, it were void, if it bb

be

be not deliuered ſtraight way, or prouiſion made by bond or otherwiſe to compel the performance thereof according to thatward, 19.H.6.36. 20.H.6.12. 5.E.4.7. 19.E.4.8.

cc Thus much of the doctrin of Arbitrements, now of their ſeueral formes.

Sectio 45. ¶ *An Arbitrement, or Award of lands, by which the partie couenanteth to performe it.*

A THis Indenture made &c. betweene T.R. of &c. of the one partie, and L. P of the other partie, Witneſſeth, that whereas there hath bin, and yet is contention, variance and ſuit betwixt the ſaid parties, not onely for, and concerning the right, title and intereſt, of, and in a certeine quantitie of ground, by eſtimation two acres or therabout lying in B. and adioyning to the Pil of the ſaid T.R. in T. aforeſaid, claimed by either of the ſaid parties to be his owne land & inheritance, But alſo, for, and concerning certain waies to the Pill of the ſaid T. through the ground of the ſaid L. from al the townes, villages, hamlets & other places in the North ſide of ỳ riuer of D. bordering, lying, & being within the ſpace of 5. miles of the ſaid Pil, and all other matters and controuerſies, betwixt the ſaid parties. For the frendly ending & appeaſing of which ſaid variances, and controuerſies, the ſaid parties haue compromitted and ſubmitted, and by theſe preſents do compromit and ſubmit themſelues, & all matters in variance aforeſaid to the order, arbitrement, award, doome & iudgement of F.W. and A.W. Whereupon the ſaid arbitrators hauing viewed the ſaid groũd in variãce, & peruſed diuers writings & euidences concerning the ſame, and heard the teſtimony & witnes of diuers auncient men and neighbors dwelling nigh the ſaid ground, alwel touching ỳ occupatiõ & vſage of the ſaid groũd by the ſaid T.R. & his anceſtors, as alſo the ſaid waies vſed vnto ỳ ſaid Pil by thinhabitãts aforeſaid time out of mind, do make & declare their award,

order, doome and Iudgement touching the premisses and euerie part of them. * And the said T. R. and L. M. do B
couenant and graunt seuerally either of them, to and with the other, for themselues, their heires, executors and administrators, in maner and forme following. And first the said Arbitrators do order, award and Iudge, And the sayd L. M. is so contented and agreed, and accordingly doth couenant & graunt, for him, and his heires, to and with the said T. R. his heires &c. that he the said T. R. shal and may from henceforth, haue, hold, occupie, and quietly enioy to him and his heires for euer the said parcell or quantitie of ground conteining by estimation two acres, lying and being on the North side of the riuer of D. directly ouer against the said Mill, and demesne lands of the said T. R. in T. aforesaid, as it is now bounded and meared forth with stones by the said Arbitrators, And shall also haue and may take to his and their own proper vse, al the trees now standing or being, or that hereafter shal grow in and vpon the said ground, and all other profits and commodities comming off, & vpon the said ground (only the thorns, briers and herbage, excepted and foreprised) with free libertie, entrie and passage, for the felling, hewing, leading, carrying away, and taking of the same trees, and all other the said profits and commodities (except before excepted) at all and euery time and times hereafter at his and their pleasure. And that the said T. R. his heires and assignes, and al and euerie other person and persons, that shal come and bring any corne to the Mill of the said T. R. called T. Mill, from the said townes, villages, hamlets or any other place inhabited shall haue free libertie, waies & passage for the carrying, fetching, and bringing of their corne to the said Mill, ouer and through the said parcel of ground set forth and meared as is aforesaid, as also through and ouer other the grounds of the said L. M. in T. aforesaid in as ample and large maner and forme, as the inhabitants

of

of the ſaid townes, villages and hamlets or other places
haue bin accuſtomed & vſed to do at any time heretofore,
C and as it is now moſt commonly vſed. * And ſhall and
may tye and faſten any their horſes, mares or other beaſts
wherewith they carrie any corne to the ſaid Mille, to any
træ growing, or other thing, being in, and vpon the ſayd
ground, ſo that the ſtring, corde, or rope, exceede not the
D length of iiij. whole yards at the moſt. * And that the
ſaid T.R. his heires and aſſignes ſhall and may lawfully
at all and euery time and times ſo oft as need ſhal require,
amend and repaire all and ſinguler the waies, and euerie
part therof, for the eaſe, ſauegard, and paſſage, of the in-
habitants of the ſaid townes, villages, hamlets, and pla-
ces inhabited, comming, and going, to, and from the ſayde
Mill, without any let, trouble, veration or contradiction of
the ſaid L.M. his heires or aſſignes, or any of them. And
that the ſayd L. M. his heires & aſſignes ſhall at all times
within the ſpace of two yeres next enſuing the date here-
of, do, make, knowledge and ſuffer, or cauſe to be made,
knowledged and ſuffered, al and euerie act and acts, thing
and things, as ſhalbe reaſonably deuiſed, or aduiſed, by the
ſaid T. R. his heires or aſſignes, or his or their learned
counſel, at the only proper coſts and charges in al things,
of the ſaid T.R. his heires or aſſignes, for the further and
better aſſurance & ſure making, aſwel of the ſaid parcel or
quantitie of ground, containing aboue two acres, as alſo
of the ſaid waies, in maner and forme before erpreſſed, vn-
to the ſaid T.R. his heires and aſſignes for euer, according
to the true effect, meaning and purport of theſe preſents:
E In conſideration wherof it is further ordained, awarded,
demed & iudged, by the ſaid Arbitrators. * And the ſaid
T.R. doth ſo couenant &c. that he the ſaid L.M. his heires
and aſſignes, ſhal and may haue, take and enioy, onely the
graſſe and herbage, with the thorns & bryers yerely grow-
ing, or being in, or vpon ỳ ſaid parcel or quantity of grou̇d

so bound or set forth, as is aforesaid. And in further consideration of the premisses, the said T. R. hath paied to the said L. M. at the insealing hereof, at the request of the said Arbitrators, the summe of xx. li. &c. * In witnesse wherof F
not only the said parties to these present Indentures of award interchangeable haue put their seales, and subscribed their names: But also the said Arbitrators to both the partes of these Indentures haue put their seales and subscribed their names the day and yere &c.

Sectio. 47. ¶ *Another arbitrement.*

TO all true Christian people to whom this present writing of award, indented shal come, G. W. G. M. S. S. & T. M. of &c. sende greeting in our Lord God euerlasting. Whereas diuers suits, &c. betwen T. W. & J. S. of &c. For pacifying, ordering and ending wherof, the said T. W. and J. S. haue bound themselues either to other in the summe of a M. li. of lawful English mony, by their seueral Obligations bearing date &c. with cõditions there vnder written, to stand to &c. vt supra of the said G. J. S. & T. Arbitrators indifferently elected and chosen, aswel vpon the part and behalfe of the said J. S. as of the said T. W. to award, arbitrate, order, rule, iudge, end, & determin, al, & al maner of suits, debts, actions, controuersies, debates & demaunds whatsoeuer, depending betwen the said J. S. and the said T. W. and W. W. his sonne and heire: So that the said award were made and giuẽ vp in writing vnder the hands and seales of al the said Arbitrators, at or before the &c. at &c. as by the said Obligations & Conditions amongst other A
things doth and may appeare. * Know you now that the B
said G. J. S. and T. taking vpon them the charge and burden of the said award, and hauing deliberately heard the grieues, allegations, and prowfes of both the said parties, do by these presents arbitrate, award, order, deeme & iudge of, and concerning the premisses in maner and forme following, that is to say: * First they do award, order, deem, C
and

and iudge by theſe preſents, that ỹ ſaid I.S. his executors or adminiſtrators, or ſome of them, ſhal wel & truly pay or cauſe to be paied vnto the ſaid T.W. or his certaine Attorney, executors, or adminiſtrators, or ſome of them, at, or before the &c. at, or in the &c. two hundreth pounds, of, &c. and at, or before the &c. other two hundreth pounds, of &c. in full ſatisfaction of fower hundred pounds: For paiment whereof the ſaid I.S. ſtood bound to the ſaid T. W. in, and by fower ſeuerall obligations, whereof two
D are alreadie forfaited, as thereby may appeare. * Alſo ỹ ſaid arbitrators do award, order, dæme, & iudge by theſe preſents, that the ſaid I. S. his executors, and adminiſtrators, or ſome of them, at their, or ſome of their coſtes and charges, ſhall before the, &c. cauſe and procure, that all ſuites, billes, plaintes, and informations heretofore commenced againſt the ſaid T.W. in any court, or courts whatſoeuer, either by, or in the name of the ſaid I. S. or by, or in the name of H. S. his ſonne, or by, or in the name of our ſouereigne Ladie, the Quenes maieſtie that now is, and of euerie, or any of them, or by, or in the name of any other perſon or perſons, by the conſents, meanes, and procurements of them, or of any of them, ſhall thencefoorth ſurceaſe, and be no further proceaded in by them, nor any of thē, or by the meanes, conſēt, or procuremēt of thē, or any of thē. And before the, &c. be vtterly diſcontinued, &
E made void. * And the ſaid arbitrators doe further award, order, dæme, and iudge by theſe preſents, that for the ſure paiment of ỹ ſaid ſumme of fower hundreth pounds, the ſaid I.S. and G.S. within 2. daies next after tender or deliuerie of the one part of this preſent award to ỹ ſaid I.S. ſhall well, and ſufficiently make, ſeale, and deliuer as their deedes to the ſaid T.W. in &c. one obligation or writing obligatorie ſufficient in ỹ law, wherein, & whereby the ſaid I.S. and G.S. ſhall acknowledge themſelues, and either of them to be iointly, and ſeuerally bounden to

the

the ſaid T.W. in the ſumme of 800.li. of &c. with condiciõ thereupon in due forme of law indorced for the ſure patment of the ſaid ſumme of 200.li. parcel of 400.li. at, or in the &c. before, &c. And the other 200.li. reſidue of the ſaid ſumme of 400.li. at, or before the &c. & at &c. * Alſo ẏ ſaid F
arbitrators do further award, order, dœme, and iudge, that the ſaid I.S. his executors, or adminiſtrators, or ſome of them, ſhall, and will, before the, &c. at his, and their owne proper coſtes, & charges, cauſe, & procure to be cancelled, & made void one recogniſance of 200.li. bearing date the &c. knowledged, & inrolled in ẏ Quœnes maieſties high court of Chauncery, wherin, & wherby the ſaid T.W. ſtãdeth bounden to ẏ ſaid I.S. in the ſaid ſumme, with condition thereunto annexed: That if ẏ ſaid T.W. his heires, executors, & adminiſtrators, and euery of them, ſhould wel, & truely obſerue, performe, fulfill, and kepe, all, and euery the couenants, grants, articles, and agreements, which on his and their parts were to be obſerued, performed, fulfilled & kept, cõtained & ſpecified in one Indenture bearing date ẏ &c. had, & made betwen ẏ ſaid T.W. on the one partie, & the ſaid I.S. on ẏ other party, concerning the marriage of W.W. ſon & heire apparant of ẏ ſaid T.W. & A.S. daughter of the ſaid I.S. according to the true intent, purpoſt, & effect of the ſaid Indenture: That then the ſaid Recogniſance to be void, & of none effect, or elſe to ſtand and remaine in full ſtrength, polwer, & vertue, as by the ſaid Recogniſance, and Indenture more plainly, and at large appeareth. * And alſo that the ſaid I.S. his ex- G
ecutors, or adminiſtrators, or ſome of them, ſhall, and wil before the feaſt of, &c. deliuer, or cauſe to be deliuered vnto the ſaid T.W. his executors, or adminiſtrators, or ſome of them, in the ſaid now dwelling houſe of the ſaid T.W. aforeſayd, the ſaid Indenture of couenantes concerning the foreſaid marriage, cancelled, or to be cancelled. In witneſſe whereof the ſaid arbitrators to both

both parties of this present award indented, haue set their handes and seales. Dated, &c.

Sectio 48. ¶ *Another arbitrement.*

A TO all true Christian people, to whō this present writing of award indented shal come: The right Ho. G. Earle, Marshal of England, of the most noble order of ỹ Garter knight, and one of the Quēnes Maiesties most honora-ble priuie Councel, &c. sendeth gratīg, &c. Whereas di-uerse suits, variances, controuersies, and debates, here-tofore haue bin had, moued, and depending, betweene T. G. of T. in the countie of P. yeoman on the one partie, and F. W. of D. in the said countie gentleman, on the other partie: For pacifying, ordering, and ending whereof, the said T. G. and F. W. haue bound themselues either to o-ther in the summe of 400. pounds of, &c. by their seueral obligations, bearing date, &c. now last past, with condi-tion there vnder written, to stand, to abide, performe, ful-fill, and kepe the award, order, rule, doōp, iudgement, & determination of the said Earle indifferently elected, and chosen, by the mutual consent, and at the earnest, and hū-ble request, and petition, of both the said parties, to arbi-trate, award, order, iudge, and determine, of, for, and con-cerning all, and all maner of actions, suites, quarrels, debtes, duties, and demaundes whatsoeuer, had, moued, or depending, or which hereafter might be had, moued, or de-pend betweene the said parties, by reason, or by occasion of any matter, thing, or things whatsoeuer, accrued, or growen, from the beginning of the world, vntill the day of the date of the same obligations: So that the same a-ward were made in writing, indented vnder the hand and seals of the said Earle before the 1st. day of, &c. and the one part of the same writing indented, deliuered, or caused to be deliuered by the said Earle, to the said T. G. his execu-tors, or administrators, or any of them, or to their, or any

of

of their vse, vpon, or before the said xir. day of &c. at, or in the new mansion, or Manor house of the said Earle, called S. in the said Countie of Y. and the other part thereof to the said F.M. &c. vt supra, as by the said obligations & conditions thereof both and may more at large appeare.

* Know you now, that the said Earle of his meere B
good will and fauour, which he beareth to both the said parties, and of the great and honorable respect, which he hath of their future quietnes, taking vpon him ỳ charge and burden of the said award, and hauing deliberatly at sundry times at large, heard and considered the grieses, allegations, and proofes of both the said parties, both by these presents, arbitrate, award, order, deeme, and iudge, of and concerning the premisses in maner and forme following, viz. * That ỳ said F.M. his executors, or administrators, or some of them, shall well, and truely pay, or C
cause to be paid vnto ỳ said T.G. his executors, or administrators, or some of them, the summe of 160. pound of &c. in the &c. in maner and forme following. viz. vpon the feast day of &c. 80. li. thereof, and vpon the feast day of &c. other 80. li. thereof residue, and in full paiment and satisfaction of the said summe of 160. pound. * And that in D
consideration thereof the said T.G. shall permit, and suffer all suites, actions, quarrels, debts, duties, and demaundes, growen before the date of the said obligations, to cease, and be discontinued, and no further prosecuted by him, or any other by his procurement. * And further- E
more, for as much as the said F.M. is charged as is afore said, for ỳ paiment of the said summe of 160. pound, partly by reason of a Iudgement heretofore giuen for the said T.G. against one L.S. in the Quenes maiesties court commonly called the Kings Beneh, in an action of debt, in which the said T.G. hath recouered against the said L.S. 285. pound and 4. pence, as by the record thereof remaining in the said court appeareth. His honor doth further

award

award by, these presents, in relieue and ease of the said F. M. that if the said F. M. his executors, or administrators, or any of them, do wel, and truely pay, or cause to be paied the said summe of 160. pound, according to the true meaning of this present award. And if the said L. S. his heires, executors, or administrators, or some of them, shall not well, and truely satisfy, content, and pay vnto the said T. G. his Executors, or Administrators, the said seuerall summes aboue in this award appointed to be paied by the said F. M. before the seuerall daies herein aboue mentioned: That then, and at all times after any such default of paiment so to be made by the said L. S. his executors, or administrators, the said T. G. his executors, & administrators shall permit and suffer the said F. M. his executors, and administrators, and euerie of them, at the costes and charges of the said F. M. his executors and administrators effectually to prosecute, or cause to be prosecuted, all, and euerie such execution, and executions vpon the said iudgement so had for the said T. G. against ỳ said L. S. as to them, or any of them, or the learned counsell of them, or any of them, shall seeme good. And all, and euery summe, and summes of money thereby to be obtained, to take, and conuert to the onely proper vse, and behalfe of the said F. M. his executors, and administrators, without any accompt, recompence, or paiment thereof, or therefore to be yelded, or made to the said T. G. his executors, or administrators, or any of them: any thing in this present
F award contained to the contrary thereof in any wise notwithstanding. * In witnesse whereof, the said Earle to both the partes of this present award hath set his hand and seale. Dated &c.

All such couenants, and conditions as be vsually made for
M the assurance or enioying of landes, or tenements, goods, and chattels, may be inserted into awards, as shall seeme good vnto the arbitrators or parties.

Sectio 49.

Sectio 49. ¶ *Of notice of the arbitrement.*

AND when the arbitrators haue made their award, according to the submission, albeit, perchaunce they be not bound to giue notice thereof to the parties, yet it seemeth verie requisite, that they should in due time, before that either partie be to performe any part thereof, notify the same vnto them, least otherwise they might breake their bonds, or couenants, in that behalfe (if any such be) before they know the same. Notwithstanding, that the booke in 8.Ed.4.1.&.9. be doubtfull in that point. A

Sectio 50. ¶ *The finall cause, & effects of Arbitrements.*

AND thus, by that which hath bin discoursed it sufficiently appeareth (as we thinke) that the scope, and end of arbitrements, and other iudgements is all one. And chiefly the finall determination of strife, suite, and controuersie 19.H.6.36. And so consequently, their effects be almost equall. But the lawes seeme more fauourable to arbitrements then other iudgements, in so much, as by arbitrators the strict course, and tedious ceremonies of law suits (which are most commonly wont to wearie suters, and picke their purses) are cut of, and shorter decisions by them made, with little or no cost at all. A

We differ to shew how arbitrements may be pleaded in barre of other actions, vntill wee come to their fit place amongest our presidents of pleadings, and so end this treatise.

SYMB

SYMBOLEOGRAPHY

PARS SECVNDA.

Of Fines, Concords, and Common Recoueries.

Sectio 51.

The definition of Fines.

A FOr ſo much as wee haue alreadie ſhewed the Formes of diuers Conditions and Couenants aſwell for the leuying of Fynes and ſuffering of Recoueries of landes and tenements, as alſo to raiſe & limit the vſes thereof: It now ſeemeth neceſſarie to ſhew how the Notes of Writs of Couenants and Conords for Fines, and Writs of Entre, and Warrants of Atturney for Recoueries, are to be made. Wherefore let vs firſt learne what and how worthie thinges Fines be.

B Tremail 21. Ed. 4. fol. 4. tearmeth Fines, Couenants made before Iuſtices and entred of Record.

C Browne ſaith, Fines be fructus, exitus, et finis legis. Plo. fol. 357.

D Glanuill in his eight booke and firſt chapter tearmeth a Fine amicabilis compoſitio et finalis concordia ex conſenſu et licentia domini Regis, vel eius Iuſticiariorū. And Bracton Tractatu quinto, lib. 5. cap. 28. Sect. 7. de exceptionibus ſaith, Finis ideo dicitur finalis concordia, quia imponit finem litibus, et eſt exceptio peremptoria.

E And Glanuil capit. 3. lib. 8. ſaith, Talis concordia

finalis, eo quod finem imponit negotio, adeo vt neutra litigantium ab eo de cætero poterit recedere.

In which bookes may be seene the auncient forme of le- F
uying fines, and their great antiquitie. For they be as auncient as any court of Record. Plo. fol. 357. a. 368. b. which without question were long before the conquest.

So that fines hauing their commencement of Record G
long before the conquest, euer since remained in great estimation, as appeareth by a fine leuyed before the conquest touching the possession of the Abbey of Crowland, and diuerse other auncient fines leuyed before that time yet extant. Plo. 357. a 368. b

But chiefly we are to consider their effects, which be to H
make certaintie and assurance to the parties concerning their estates, and to end contention, and breed peace and securitie to all men.

As appeareth by the statute De finibus 27. E. 1. Statut. I
1. cap. 1. wherein be these words. Quia fines in Curia nostra leuati finem litibus imponere debent, & imponunt, Ideo fines vocantur maxime, cum post duellum & magnam Assisam, in suo casu vltimum locum finalem teneant imperpetuum: with which statute agreeth Bracton, Tractatu 5. lib. 5. cap. 28. Sect. 7. de exceptionibus.

And therefore by the auntient law, fine and nonclaime K
by the space of a yeere and a day, was a peremptory barre to al men, which was abrogated by the statute made 34. E. 3. cap. 16.

And at this day fines be of great force, puissance and L
worthinesse: For being leuied and ingrossed with proclamations, according to the statute of 4. H. 7. cap. 24. 11. H. 7. ca. 1. 20. R. 3. ca. 7. 32, H. 8. ca. 36. & 31. El. Reginæ ca. 2. They are finall ends, and sufficiently conclude, barre and discharge for euer, as wel parties & priuies, as estrangers to the same, except women couert (other then ben parties to the fines) & euery other person, at the time of the leuying

ing of the ſame fine, being within age of xxi. yeares, or in priſon, or out of the Realme, or of vnſound mind, and not parties to ſuch fine: Sauing vnto eſtrangers to ſuch fine, ſuch right, title, claime and intereſt, as they haue to the tenements therein contained at the time of the ingrolling thereof: ſo that they purſue the ſame, by action or lawful entre within fiue yeres next after Proclamations thereupon made according to the ſaid ſtatutes. And ſauing to all other perſons, ſuch action, right, title, claime and intereſt, in or to the ſaide tenements, as firſt ſhall grow, remaine, diſcend or come to them, after the ſaid fine ingroſſed & Proclamations made, by force of any cauſe or matter had or made before the ſaid fine leuyed. So that they purſue their action, right, and title within fiue yeres, next after that it is to them accrewed.

M By which authorities we gather, that fines are nothing els, but Inſtruments of Record, and of agréements concerning lands, tenements or hereditaments, duely made by the Quéenes conſent & licence, and knowledged by the parties to the ſame, vpon a writ of Couenant, A writ of Right or a writ of Cuſtomes and ſeruices, Warrantia chartæ thereof, or ſuch like before the Juſtices of the Common place or others thereunto authoriſed & inrolled of Record in the ſame Court, to end all controuerſies thereof both betwéene themſelues which be parties, and priuies to the ſame, and all eſtrangers not ſuing or clayming in due time. 20. Aſſ. 1. 28. Aſſ. 37. Dier 179. pla. 46.

N Theſe Fines deſtroy Eſtates taile, and in time become perpetuall barres againſt al men, end ſtrife, make peace, bréede ſecuritie and tranquilitie, which is the very fruit, effect and end of all godly Lawes.

Sectio. 52.

What persons may acknowledge Fines, and what not.

IN euery fine are to be considered, as the efficient causes thereof, the Cognizor and Cognizée: the Cognizor is he that knowledgeth the Fine, the Cognizée is he, to whom it is knowledged, and by whom the writ of Covenant, or other writ whereupon the fine is levyed, is brought. A

If diuerse persons be of one selfe name and surname, it is meete sufficiently to distinguish them with their proper additions as in other Instruments. 34. H.6. fol. 19. 47. Ed. 3. fol. 16. B

An Infant ought not to be Cognizor, especially if it bee a feme Couert, for that we cannot reuerse the fine during the couerture, which continuing till she came to full age barreth her for euer. 50. Ed. 3. fol. 5. 27. Ass. 53. C

Also no feme Couert ought to leuie any fine but with her right husband 7. H. 4. fol. 23. 43. Ed. 3. fol. 20. nor the husband of his wiues lands without his wife, for it is void 32. H. 8. ca. 28. D

No woman may leuie a fine of such landes &c. as shee hath in Dower, Iointure or for her life, or in taile, of the gift of her husband, or of any of his auncestors or of any person seazed to his vse, vpon paine to lose her estate. 11. H. 7. cap. 20. E

And if she be Cognisour she ought to be examined whether she do it of her owne free will or by compulsion of her husband, but being Cognisée she is not to be examined because it is for her benefit. 3. Henrici sexti fol. 42. Ed. 3. fol. 7. F

He which intrudeth vpon the Kings possession, ought not to be Cognisour, for his Fine is voide, For by his entrée vpon the king after office and before liuery sued, he G

gaineth

gaineth no freehold. 1.H.7.fol.9.24.Ed.3.fol.65. But if the fine be leuyed without Intrusion, it bindeth the cognisor and his heires.

H Neither an Ideot natural, nor any other person of Non sanæ memoriæ ought to be Cognisor, for their fines (as it seemeth) may not be reuersed. 17.Ed.3. fol.52. and 78. 17.Ass.17.

I A Tenant for life may not without daunger to lose his estate, be Cognisor in a fine vpon grant and render: But vpon a grant and release he may. 44.Ed.3.fol.36.

K And he may also be cognisee in a fine of release without forfaiture of his estate. 1.H.7.fol.9.

L Rent can not be reserued vpon a fine sur cognisance de droit come ceo que le Cognisee ad del done le Cognisor: Nor sur fine sur releas, otherwise then by render, because such fines execute the estate in the cognisee forthwith. But vpon fines executorie, as fines sur cognisance de droit onely, or sur graunt, rents may be reserued: for vpon those the estate is executorie. 5.Ed.3.

M It is also requisite that either the Cognisor or the Cognisee be seised of the lands contained in the fine at the very time of the leuying thereof, for if they be not, the fine is void. 27.H.8.fol.4.22.H.6.fol.57. 5.Ed.3.

N Neuertheless, a fine betweene the vouchee and the demaundant is good, by reason of the priuitie which is betweene them, for that the vouchee is as it were tenant in Law. 5.H.7.fol.41.

Sectio 53.

What persons may be Cognisees in fines.

A ALl lawfull subiects may take benefite by fine, whether they be of full age or within age, or femes couert, or Ideots, or men of Non sanæ memoriæ, imprisoned within or without the Realme, or bodies ciuill. And if a feme

couert be Cognisée she needeth not to be examined, as appeareth before: Yet before a fine be ingrossed for a Corporation, a writ ought to be directed to the Iustices of the common Place, quod permittant finem illum leuari, *Dier fol.188.p.9.* And the like writ hath bene vsed when fines haue bene leuyed of lands holden in Capite, Fitzh. Natura breuium fol.147.

A particular tenant, as tenant in Dower, by the Curtesie, or for life, can not by fine graunt and surrender his estate to the owner of the reuersion or remainder: But he may by fine grant and release the same. 17.Ed.3.fol.66. 14.E.3.20.E.3.24.E.3.fol.26. B

Sectio 54.

Of what things fines may be leuyed, and of what not.

OF things incertaine fines may not be leuyed, and therefore they may not be de tenemento, 3.Ed.4. fo.19.11.H.7.fo.25. But of things certaine, fines may be leuied, as de Mesuagio, tofto, columbario, gardino, terra, prato, pastura, bosco, subbosco, bruera, mora, iuncaria, mariseo, alneto, ruscaria, redditu, *per Registrum f.l.2.* de Rectoria Ecclesiæ parochialis de M. ac de Decimis granorum, garbarum, & fœni, eidem Rectoriæ spectant', &c. or cum omnibus decimis granorum, garbarum & fœni eidem Rector' spectant', *Thel.lib.8.cap.9. Sect.2. de Rectoria*, 2.Ed.3. de furlong. terræ, 4.H.6.14. de passagio vltra aquam de T. de pastura ad certos boues, oues, & alia aueria, ac de Communia pro omnibus animalibus, vel pro omnimodis auerijs, vel de libera piscaria, libera warrenna, vel de Aduocatione ecclesiæ de D. vel de aliquo seruitio speciali, vt de seruitio vnius feodi Militis, vnius paris calcarium deauratorum, vel de seruitio inueniend' hominem, equitem vel peditem ad eundem, vel ad equitandum cum le Cognisée in exercitu A

Walliæ

Walliæ vel Scotiæ, &c. de Piscaria, 13. E. 3. de Officio, 27. H. 8. fol. 12. de proficuis Officij, 12. Ed. 3. de Aduocatione, *Regist. fol.* 165. de Corodio, 18. H. 6. fol. 20. de Chiminio, 2. Ed. 3. fol. 46. de proficuo Molendini, 18. Ed. 3. fol. 56. de libero redditu in breui, and in the concord, Quod prædictus A. recogñ prædict' redditum cum pertiñ simul cum homagio et fidelitate B. C. et hæredibus suis, de totis tenementis quæ &c. 1. Ed. 3. fol. 1. et 5. de Frankfold, 1. E. 3. fol. 1. de Nundino et Mercatu, 1. Ed. 3. fol. 4. de Franchis. 1. Ed. 3. fol. 4. de minera Plumbi, et cuiuscunque generis Metalli cum pertinentijs &c. *Regist. fol.* 165. de decimis gabarum ad Ecclesiam de N. qualitercunque spectant', *Regist. fol.* 165. de aduocatione tertiæ partis Ecclesiæ &c. Or de tertia parte aduocationis Ecclesiæ, Or de medietate aduocationis Ecclesiæ, Or de aduocatione medietatis Ecclesiæ, 33. H. 6, fol. 11.

B And generally in euery case where a Præcipe quod reddat lyeth, and of diuers other things, as shall appeare by sundry notes of writs ensuing in this treatise, fines may be leuyed: for which consult the Register.

C Of lands in ancient demesne no fine ought to be leuyed: And if any be leuied, it may be reuersed by a writ of Disceit, brought by the Lord of the ancient demesne, 21. Ed. 3. fol. 20. and 17. Ed. 3. 7. H. 4. fol. 28. and 44. 8. H. 4. fol. 23. which will restore the Lord to his seigniorie: But such fine remaineth good betwéene the parties to the same, 8. H. 4. fol. 24.

of

Sectio 55

By what names things may passe in fines

NOW that we haue partly set downe what may passe in fines, let vs see by what names the same may passe. An Honor therefore may passe by the name of a Manor, or by his proper name, as, de Honore de Tickhill, or de Manerio de T. A

It sufficeth also to demaund a Manor by his proper name without naming of the Towne wherein it lieth, for it may bee out of any towne or extend into seuerall Townes and Countries as de Manerio de D. cum pertinentijs, yet it seemeth best to expresse all the seuerall Townes into which it extendeth as De manerio de S. cũ pertinentijs in B.C.et D.19.E.4.fol.9.a.43.Edw.4.fol.9.a. Bracton lib.4.cap.31.S.3.9.E.4.fol.61.16.a et 17.b.11.H.7. fol.49.9.E.4.fol.3.a 11.H.7.fol.22.b. B

A Castell or a Hundred may be parcel of a manor, and passe by the name of the manor whereof they be parcel. 26.Ass.54.And some one manor may be parcell of an other. 2.Ed.3.fol.36.And a Castel may be demaunded by his proper name, as de Castello de B. cum pertinentijs. 1. E.3.fol.4. C

An hundred may be demaunded by it selfe, as de hundredo de S. 27.Hen.6.fol.2. D

Messuagium is a dwelling house. By the name of a Messuage, may passe a Curtlage, a Gardein, an Orchiard, a Douehouse, a Shop, a Mill, as parcell of an house Bract li.5.cap.28.Sect'1. Plo.fo.169.170.171. The like of a Cotage, a Toft, a Chamber, a Celler, &c. Yet may they be demaunded by their single names. E

A Chappel, or an Hospitall must be demaunded by the name of a messuage.13.Ass.2. F

A Toft is the place wherein a messuage hath stand. G

A Curtilage

H A Curtilage is a gardein or a yard, or fold, or a piece of void ground lying neare & belonging to a meſuage Plow.

I Molendinum is good without adding ventriticum or aquaticum, granaticum: albeit the later be more vſuall 44. E. 3. fol. 13.

K Land is to be demaunded by the certein meaſure of the ſuperficial quantitie thereof, as hida, carucata, bouata, virgata, acra, &c. roda, &c. terre.

L In like maner boſcus, ſuboſcus, bruera, mora, Iuncaria, mariſcus, et alnetum, et ruſcaria may be demaunded by the number of acres thereof, 16. Aſſ. 9.

M Turbary may be demaunded by the name of Moræ.

N Rent by the multitude and number of the things which are to be rendred, as x. librat', or ſex denar', or vn. obulat' redd' &c.

O Houſebote, haibote, and plowbote, may be demanded by the name of eſtouers thus de rationabili eſtouerio in boſcis viz. in decem acris boſci ipſius A. in D. &c.

P Parſonages, rectories, aduouſons, Vicarages, or tithes impropriat paſſe not by the name de aduocatione eccleſiæ, but de rectoria eccleſiæ, de S. cum pertin.

Q But when it is but of a preſentation it muſt be de aduocatione eccleſiæ de S. & non cum pertin.

R And of all vicarages endowed the writ muſt be aduocatione vicarie Eccleſiæ de S. &c. and not cum pertin.

S And where no vicarage is endowed it paſſeth vnder theſe words de aduocatione eccleſiæ de S. &c.

T If an entier Mano^r, meſſuage or other entier thing be deuided or parted, and after a fine is to be leuied of ſome of the partes of the thing ſo ſeuered, then muſt not the fine be de medietate or quarta parte, or other part Manerij meſſuagij, or other thing, but ſuch part muſt be demaunded by the name of a whole thing: as if the Mano^r of D. be deuided into two partes, the fine of the one part (if the deuiſion be ſo made, that the Mano^r of that

part be not extinct,) must be de manerio de D. so if a messuage & twentie acres of land be parted into 2. parts, ỹ fine must be de vno messuagio & x. acr' terræ, &c. and not de medietate vnius messuagij et xx. acr' terræ, for the things so diuided from the rest are now become whole things by themselues, though lesse in quantitie then the whole was before diuision thereof made.

SECTIO 56.

NOW that we haue partly learned of what thinges fines may be leuied and by what names, it seemeth time to shew in what order and forme they must be therein placed one before another, when diuers thinges passe by one writ for which we may obserue these rules. First, the more worthy things must be put before things lesse worthy, as messuage is set before land, a Manor before a Messuage, a Castle before a Manor, 7. H. 6. 39. Plow. 168. 169. A

Secondly thinges general before things special, as land being the general or genus to medow, pasture, wood, Iuncar', marisc'us, is first to be placed. And wood being generall to wood grounds, as alnetum salicetum &c. is to be set before them in the writs. B

Thirdly entier or whole things are to be set before their parts, as de Manerio de C. & medietate manerij de B. cum pertin', &c. C

Fourthly parts of things excepted must saue those thinges out of which they be excepted. And if there be diuers parcels in one writ, that parcel out of which the exception is to be made, ought to be last placed, Regist. fo. 6. as de Manerio de D. cum pertinen' in C. excepto vno messuagio, duabus acris terræ, & aduocatione Ecclasiæ de C. &c. D

And euery thing excepted ought to be certainly named, E

it

it néedeth not to say Cum pertin' after the thing excepted, 40.Ed. 3.25. and the exception must alwaies be of such thinges whereof the writ will lie. Regist. fol. 228. 229. of which for the present, view the ensample ensuing, viz.

F Præc. A.B. quod reddat C.D. con' &c. de vno mesuagio, vno cotagio & mediate vnius mesuagij & decem acr' terræ cum pertin' excepta vna acra terræ in N. &c.

G And finally the forme and order of placing the particulers in a writ of a Couenant is in all things as in a Præcipe quod reddat of lands.

H And further obserue the rule of the Regist. fo. 2. which partly appeareth in these verses ensuing.

suagiũ, tum, lenduum, umbare, dinum, ra, tum, tura, cus, ra,
Mes, toft, mol, col, gar, ter pra, pas, bos, brue, mora,

ria, eus, tum, caria, ditus re ra.
Iunca, mars, alne, rus, red, secta, prio,

SECTIO 57.

The place wherein the lands lie.

A FUrthermore wee must regard the place wherein the landes do lie, as the Shire, Towne, Parish, or Hamlet, for a fine is good in a Hamlet, 38.E.3, fo.19. 8.E.4.f.6. & 7. E.6. in Brooke, Fines, 44. & 91.

B Neuertheless it is good also to name the towne wherein the Hamlet is, as it seemeth, and that with addition for distinction if there be diuers townes of the same name in the same countie.

Sectio 58.

Of the Formes of Concords.

THese may suffice to teach vs to draw the notes of all writs whereupon fines are to be leuied: now let vs A
receiue some Instructions how to draw the Concords of fines, which expresse the verie agreement of the parties: first therefore.

No Concord ought to be made to diuers persons & their heires, but where the tenements be holden of the Quæne B
& then it may: for it is for her Maiesties aduãtage to haue many such tenants, 33. H.6. fo.52.7 H.4. fo-7.

If a fine be leuied to 2 Cognisees or more in the concord thereof the Cognisor shall knowledge the right thereof C
to be the one of the same Cognisees onely. And the release and warrantie therein conteined shalbe limitted onely to him and his heires. 3. Hen.6. fol.42.33. H.6. fol.52.21. E.3.24. E.3. fo.36.27. E.3. fol.84.

None can take by the first estate granted or rendred by a fine, but some of the parties named in the writ, but any D
estraunger may take an estate in Remainder. 30. Hen.8. Br. Fines 108.7. F.3.31.

The warranty conteined in fines ought to be made by the heires of them from whom the inheritance of the land E
passeth. As if the husbãd and wife leuy a fine of the wiues landes, the warranty must be from the husband and wife, and the heires of the wife, otherwise if it were of the husbandes lands, then the warranty must be from his heires, 42. E.3. fol.13.44. E.3. fol.21. and from the heires of one only 21. E.3. fol.13.44. Ed.3. fol.27. Except it be of lands in Gauelkind 24. Ed.3. fol.66.

No fine ought to be leuied vpon any condition, Nam finis finem litibus imponere debet, but clauses of distresse F
may be in fines, 33. Hen.6. fol.52.44. E.3. fol.22.

Also

G Also some Fines be Sur cognisance de droit, come ceo que le cognisee a del done le cognis. some other, sur cognisance de droit tantum, some other of Graunt and releas, and lastly some of Graunt and render, and vpon Graunt, All which plainly appeare by examples hereafter ensuing.

H Also in Concords be not repeated all the words in the writ, but the general words therof onely, as Manor, Tenement, Rent, Common, Aduowson, &c. as appeareth in the ensuing examples of Concords.

Sectio 59.

Obseruations at the knowledging of fines.

A FIrst the note of the writ of Couenant, and the concord must bee faire written, according to the parties mindes, and signed or subscribed by all the recognisors.

B Item, the yerely value must be entred vnder the Concord, and some person that knoweth the land must make affidauit, or oth for the value thereof: for without such oth or composition the fine cannot passe, & compositions often times are hardly made with the Commissioners.

C Item if the fine be knowledged out of the Court, the day & place of the taking of the fine is by 23. Eliz. cap. 3. to be entred thus, Capt et cognit apud S. x. die Maij Anno

D Eliz. Reg. 34. for otherwise the clarke or officer receiuing the same loseth v.li. for euery offence.

E Item at the knowledging of euery fine, if the Iustice or Commissioners that take the cognisance thereof, do not know the cognisors, it is requisite that some other credible person to him knowen who knoweth the cognisors, be present, and informe such Iustice or Commissioners that they be the selfe same persons against whom the writ is brought. 34 Hen. 6. fo. 19.

Landes bought of diuers persons, or by diuers persons may passe in one fine, if the writ of couenant be brought against all the vendors by all the vendees: But then the clauses of warrantie in the Concord thereof should be seuerall against euery vendor by himselfe and his heires: For it were verie absurd, that one man should warrant against all men, lands sold by others. Howbeit now the Justices Clarkes, and the farmers of the fines for their owne gaines make dainty to permit such fines to passe, but rather enforce purchasers to passe fines alone of one onely acre of land, which seemeth not very consonant to good conscience. E

SECTIO 60.

Before whom fines are to be knowledged and certified, aswel by Dedimus potestatem as otherwise.

FInes are most properly knowledged in the court of cõmon pleas, before the Justices of the same court, or before the chiefe Justice of the common pleas onely: who by the prerogatiue of his office may take cognisance of fines without Dedimus potestatem, Dier. f. 224. pla. 31. A

But if a fine be to be leuyed and the Cognisors thereof by reason of infirmitie, or some other reasonable cause cannot conueniently come to the court, there to make cognisance thereof, then may be sued out a writ of Dedimus potestatem, reciting that the writ of couenant is depending & bearing Teste after the writ of couenãt directed to some Justice, or to a sergeant at law, or a Lord or knight, or two, and some other expert man to take the same cognisaunce in the countrey, and to returne and certify the same to the Justices of the Common pleas with the Dedimus potestatem and Cognisance, as hereafter ensueth. B

If they certify not, A Certiorari is to be awarded to them, comprehending all the matter of the said writ, and com- C

commaunding them to certifie &c. which if they do not, there lyeth against them Alias plur', and Attach'.

E If any Iuſtice or Seriant take the knowledge of a fine of lands not lying within his circuit, the writ of Dedimus poteſtatem thereof (by a late order) is vſed to be ſigned by a Iuſtice of the circuit where the land lieth Dier. f. 220. p. 15.

F And euery ſpecial writ of Dedimus poteſtatem to ſpeciall Commiſſioners, muſt be ſigned either by the L. Chancelor, or by the chiefe Iuſtice of the common plœs, or ſome of the Iuſtices of Aſſiſes in the Circuit of the Countrey where the land lyeth, which is to paſſe thereby.

G But Iuſtices of Aſſiſes by vertue of their patents may take the knowledge of Fines in their circuits before any Dedimus poteſtatem be ſued out. Dier fol. 224. pla. 31. yet muſt a Dedimus poteſtat' be ſued out vpon the note directed to them before they can certify the ſame.

H Alſo fines haue bin leuied before Iuſtices in Eire. li. Int' Scire fac' in Aide 2.

I But a Iuſtice cannot take the knowledge of a fine to him ſelfe, that is where he himſelfe is Cognisé. 8. Hen. 6. f. 21.

SECTIO 61.

What thinges hinder the certifying and ingroſſing of fines knowledged, and how they are to be certifyed and ingroſſed.

IF the Cogniſor die after the knowledging of a Fine
A and before it bee engroſſed, ſuch fine ought not to be certified nor engroſſed 33. H. 6. fo. 52. 1. H. 7. f. 9. In like maner if the cogniſee die &c.

B But if the writ of Couenant and Dedimus poteſtatem be returned, & therupon ỳ Quœnes ſiluer entred & before the fine be ingroſſed the Cogniſor or Cogniſee die, yet is ỳ

fine thereof good and may afterwards be ingrossed though it be in another terme, thus, Hæc est finalis Concord facta &c. in Craſt' pur' beatæ M. Et poſt conceſſa & recordata in quindena Paſc' &c. Dier. fol. 220. p. 15. et fol. 254. p. 104.

But if the king die after the writ of Couenant be returned, and the kinges ſiluer entred, and before the fine be ingrossed: yet the writ of couenant ſhalbe resomoned, and the fine ingrossed: otherwise if the kinges ſiluer be not entred. 1. H. 7. C

And in like maner if any Commiſſioner or Iuſtice before whom a fine is knowledged chaūce to die, or be diſcharged of his or their office before the Queenes ſiluer thereof be entred: Then may a writ of Certiorari be directed out of the Chauncerie to the Iuſtices diſcharged, or to ỹ executors or adminiſtrators of ſuch Commiſſioners or Iuſtices ſo dying, commaunding them to certify the note of the ſaid fine and Concord. Fitz. fo. 174. b. 8. H. 4. fol. 5. 1. H. 7. fol. 9. which being returned, the fine may proceed and be ingrossed. D

A fine knowledged of landes holden of the Quéne in capite, ought not to be ingrossed before a licence of alienation bee ſued out thereupon, 33. H. 6. fol. 52. and a writ of Quod permittat finem leuari &c. E

A fine of a reuerſion ought not to be ingrossed vntil the tenant for terme of life attorne, for vntil attornement hee is diſpunishable of waſt, neither can the cogniſee auow vpon him for the rent behind before attornement, 22. Hen. 6. fo. 13. Plow. fo. 431. b. F

And the cogniſee may compell ſuch tenant for life to attorne by Quid iuris clamat, and if the fine be of Seruices he is compellable to attorne by a writ of Per que ſeruitia: if of rent, by a writ of Quem redditum reddit. No. ma. br. fol. 47. ab. G

And ſuch writs muſt be ſued after the note of the fine know- H

knowledged, and the Quænes siluer entred, and before it be ingrossed.

I And by the Statute of 23. Eliz. cap. 3. notes of fines and concords knowledged for the leuying of Fines, are to be certified within one yere next after the knowledging therof, or els the person taking knowledge of such fines is not bound to certifie the same: Neuertheless if it be certified afterwards it is good ynough.

K But these and like impediments being remoued, the Dedimus potestatem may be returned with the Concord, either indorsed on the back of the writ of Dedimus potestatem, or by scedule thereunto annexed.

L And when the Dedimus potestatem and writ of Couenant be returned, they must be brought to the Commissioners of the fine Office, & the value therof being knowen to them by othe or composition, the writ of Couenant is again there to be entred, & the fine therof (if it be fineable) must there be paied, And then the writ must be signed by the said Comissioners, and that done, the said writs must be taken out with Custos breuium, and signed againe, and thence they must be caried to the Clerke of the Quænes siluer, who must take a note thereof for the entring of the Quænes siluer, & signe the same againe, & then must they be deliuered to the Cyrographer of fines to be ingrossed & proclaimed. These things being thus finished and fower terms passed in which the Proclamations are to be made, the same fines may be inrolled in the office of Inrolmēts of writs for Fines and Recoueries, and so an other record made of all the parts thereof, which seemeth verie necessarie, as wel because errors happening in the former fine (if any be) may be amended, As also for that these records are verie well kept, and more like to continue then the first.

¶ Writs

SECTIO. 62.

¶ *The writ of Couenant.*

ELizabeth dei gratia Angliæ, Franc' & Hiberniæ Regina A
fidei defenſor' &c. vic' Eborum, Salutem. Præcipe T. B. armigero & A. vxori eius quod iuſte & ſine dilatione teneant W. P. generoſo conuentionem int' eos factam de Manerio de T. cum pertinentijs, Ac de duobus meſuagijs, tribus cotagijs, quinque toftis, vno columbar', quinque gardinis, quinque pomarijs, centum & decem acris terre, quinquaginta acris prati, quinquaginta acris paſture, decem acris boſci, centum acris iampnorum & breuer', quadraginta ſolidat' reddit', & communia paſture pro omnimod' animalibus cũ pertinent' in W. & B. Et niſi fecerint & prædictus W. fecerit te ſecur' de clam' ſuo proſ. tunc ſumm' per bonos ſumm' prędictos T. & A. quod ſint coram Iuſtic' noſtris apud Weſtmon' xiii. die N. anno Reg. tricesimo ſexto.

And the Fine thereof is entred vnder the writ thus. B

Pro vigint' ſolid' firmar' fine domine Regine virtute warrant' regij.

Then muſt the writ of Couenant be endorſed thus. C

Per E.S. pro fine infraſcr' q. affid' quod ten' infraſcr' non exc' val' x.li. per annũ,

E.S.

Pleg. de proſ. Iohannes Doo. Richardus Roo D

Summ'. Iohannes Den Richardus Fen

W.L. T.W. E

R. Ture armig' vic'.

¶ *The Dedimus poteſtatem inde.*

ELizabeth dei gratia Angl', Franc', & Hibern' Regina fidei F
defenſor' &c. Chariſſimo conſanguineo noſtro Gilberto comiti Saliſb' ac ꝑdilecto & fideli noſtro I.D. militi domino D. Necnon dilectis & fidelibus ſuis G.S. militi, & C.C. militi,

liti, Ac dilecto ſibi W. Weſt armig', Salutem. Cum breue noſtr' de conuentione pendeat coram Iuſtic' noſtris de bãco inter W.P. gener' & T.B. armigerum, & Annam vxorem eius de Manerio de T. cum pertinent'. Ac de duobus meſuagijs, tribus cotagijs,, quinque toftis, vno columbar', quinque gardinis, quinque pomarijs, centũ & decem acris terre, quinquaginta acris prati, quinquaginta acris paſture, decem acris boſci, centum acris iampnorum & bruere, quadraginta ſolidat' reddit' & communia paſture pro omnimod' animalibus cum pertinent' in W. & B. in comit' Eborum ad finem inde inter eos coram Iuſtic' noſtris prædictis in Banco prædicto ſecundum legem & conſuetudinem regni noſtri Angl' leuand'. Ac præfati T. & A. adeo impotentes ſui exiſtant quod abſque maximo corporum ſuorum periculo vſque Weſtm' ad diem in dicto breui contentum ad cognitiones que in hac parte requiruntur faciend' laborare non ſufficiunt vt accepimus. Nos ſtatum eorund' T. & A. compacientes in hac parte dedimus vobis quatuor tribus vel duobus veſtr' poteſtatem recipiend' cognitiones quas ijdem T. & A. coram vobis quatuor tribus vel duobus veſtrum facere voluerit de premiſſis. Et ideo vobis quatuor tribus vel duobus veſtrum mandamus quod ad præf. T. & A. perſonaliter accedentes cognitiones ſuas prædictas recipiatis. Et cum eas receperitis præfat' Iuſtic' noſtros inde ſub ſigillis veſtris quatuor triũ vel duorum veſtrum diſtincte & aperte reddatis certiores vt tunc finis ille inter partes prædictas de præmiſſis coram Iuſtic' noſtris prædictis in banco prædicto leuari poſſit ſecundum legẽ & conſuetudinem ſupradictas mittentes eiſdem Iuſtic' hoc breue T. meipſa apud Weſt. 13. die N. Anno Reg. triceſimo quinto.

Garth.

G The ſaid Dedimus poteſtatem **muſt be indorſed thus.**
Per dominũ cuſtod' magni ſigilli Angl ad Inſtanc' peten'.

Io. Puckering Cancel'. *Fr. Beamont.*

F Executio iſtius breuis patet in quad' ſchedula eid' annex'.

G. S. W. W.

The

¶ The Præcipe and Concord which must be filed to the Dedimus Potestatem.

Ebor. ss. PRecipe T. de P. armigero & A. vxori eius quod I iuste &c. teneant W. P. gener' conuentionē &c. de Manerio de T. cum pertinentijs. Ac de duobus messuagijs tribus cotagijs quinque toftis vno columbar quinq; gardinis quinque pomarijs, centū & decem acris terre, quinquaginta acris prati quinquaginta acris pastur' decem acris bosci centum aiampnorum & bruere quadragint solidat' redd' communia pastur' pro omnimod' annimalibus cum pertineñ in W. & B. Et nisi &c. K

¶ Et est concordia talis scilicet quod predict' T. & A. recogñ prædictam Mañ columbar' teñ reddit' & communiam pasture cum pertiñ esse ius ipsius W. vt ill' que idem W. habeat de dono predictorum T. & A. Et ill' remiser' et quiet' clamer' de ipsis T. et A. et hered' ipsius T. predicto W et heredibus suis imperpetuum. Et prēterea ijdem T. et A. concesser' pro se et hered' ipsius T. quod ipsi warrant' predicto W. hered' suis prædicta manerium columbar' teñ reddit & communiam pastur' cum pertinentijs contra se et hered' et assignē ipsius T. ac contra hered et assignē I. B. armig. ac contra omnes homines clamañ seu habeñ aliquod ius titulum statum vsum interesse aut demaund' de aut in eisdem Manerio columbar' teñ reddit' et communia pastur' cum pertinentijs aut de aut in aliqua inde parcell' per de vel sub eisdem T. et I. hered' vel assignē suis vel heredibus seu Assignat' eorum alterius. Et pro hac &c.

Capt' et cognit' apud K. in Comitatu Eborum decimo nono die Ianuarij Anno Regni Reginæ Elizab. &c. tricesimo sexto coram.

G. Shrew.
W. West.
T. B. A. B.

Dedimus

¶ *Dedimus poteſtatem ſuper breui de conſuet' & ſeruicijs pro fine inde leuand'.*

REgina &c. dilecto & fideli ſuo R. H. vni Iuſtic' ſuorum de banco, Salutem, Cum breue noſtrum de conſuetudinibus & ſeruicijs pendeat coram vobis & ſocijs veſtris Iuſtic' noſtris de banco int' W B. armigerum et E. A. armig' de conſuetudinibus et ſeruicijs que idem E. eid' W. facere debet de libero ten̄ ſuo quod de eo tenet in N. vt in homagijs fidelitate releuijs & alijs in comit' S. Noſque ad petitionem prædictorum W. & E. licentiam noſtram eis dēlerimus inde concordand'. Ac præfat' W. & E. adeo impotentes ſui exiſtant q̄ abſque maximo corporum ſuorum periculo vſq; Weſtminſter' ad diem in dicto breui noſtro contentum ad cognitiones que in hac parte requiruntur faciend' laborare non ſufficiunt vt accepimus. Nos ſtatui eorum W. et E. compacientes in hac parte dedimus vobis poteſt' recipiend' cognitiones quas ijdem W. & E. coram vobis facere voluerint de p̄miſſis. Et ideo vobis mandamus q̄ ad p̄f. W. & E. p̄ſonalit' accedentes cognitiones ſuas p̄d' recipiatis. Et cum eas receperitis p̄f. ſocios veſtros inde diſtincte et aparte reddatis certiores vt tunc finis inter partes prædictas de premiſſis coram vobis & ſocijs veſtris prædictis in banco prædicto ſecundum legem et conſuetudinem Regni noſtri Angl' leuari poſſit. Et habeatis ibi tunc hoc breue T. &c.

Fines muſt be paied to the Queene vpon writs of Couenants as foloweth, viz. for landes of yerely value of

iij.li.vj.s.viij.d.		vj.s.viij.
v.li.vj.s.viij.d.		x.s.
vij.li.xiij.s.iiij.d.		xiij.s.iiij.d
viij.li.xiij. s. iiij.d.	is paid	xvj.s.viij.d.
xj.li		xx.s.
xij.li.		xxiij.s.iiij.d.
xiij.li.vj.s.viij.		xxvj.s.viij.d.
xv.li.vj.s.viij.d.		xxx.s.
xvij.li.xiij.s.iiij.d.		xxxiij.s.iiij.d.

xviij.li

rviij.li.rvij.s.iiij.d.	rrrvj.s.viij.d.
rrrj.li.	rl.s.
rrij.li.	rliij.s.iiij.d.
rriiij.li.vj.s.viij.d.	rlvj.s.viij.d.

Query v.marks and rr.s.paieth fine vj.s.viij.d.
From v.marks & rr.s.vnto v.marks & rl.s.paieth r.s.
And aboue v. markes and rl. s. vnto r. markes & rr.s. paieth rviij.s.iiij.d.
And in like proportion for all other fines.

SECTIO 63.

¶ *Writs of Couenant of Comon.*

PRæcipe &c.de tribus mes. &c. cum pertiñ in D & T. & de communia pastur', pro omnibus & omnimodis auerijs,ac de pastura pro 400. ouibus cum pertiñ in D.in parochia de C.Et nisi &c. A

SECTIO. 64.

¶ *Of land and a sheepewalke.*

PRæ' &c.de vno mesuag. vno curtilagio, vno gardino &c. ac v.li.reddit' cum pertiñ in F.Nec non de libert' vnius faldagij & cursu ouium cũ ptiñ in F.Et nisi &c. A

SECTIO. 65.

Of Wood,and a Foldage.

PRæ' &c.de centum acr' bosci cum pertiñ in N.ac de libertate faldagij p xl.ouibus cũ ptiñ in S.Et nisi &c. A

SECTIO. 66.

¶ *Of Wood.*

PRæciꝑ &c.de &c.& quatuor virgat' bosci &c. in parochijs de B.& L.&c. A

¶ Præcipe &c. de duab⁹ partibus in tres partes diuidend', viij.acr' terrę,lx.acr' pastur',lx. acr' arundinis, x. acr' marisci fruisci,& marisc.salsi cũ ptinent' in D.&c.Et nisi &c. B

¶ Præ' &c.de Rector' impropiat' de H.cũ ptinent',ac de mediet' ouium decimar' granor', bladarũ, garbar', &.fœni, de terris vocat' le Demeslands cũ ptinent in H.spd' &c.Et nisi &c. C

¶ Pr'

D ¶Pr' &c. de maner' de &c. & x.s. redd', ac de libero faldagio ouiũ cũ ptinent' in R. & de Hundred de L. Et nisi &c.

¶Præc' W.S. Militi dño M. quod teñ W.C. Milit', principal' Secretar' dñæ Reg. conuenc' &c. de tertia parte iiij. mes. iiij. cotag', vnius molend', x. gardin', x. pomar', 200. acr' terr', 200. acr' prati, 200. acr' pasture, 30. acr' more, 30. acr' turbar', & v.s. redd' cũ pertinentijs in A.B.C. & D. ac de tertia parte Vis. franci pleg', bonor' & catall' wauiat' feloñ, fugitiuorum, vtlagat', in exigeñ positorum, fel' de se, deodand', thesaur' inuent', ac extrahur' cum pertinent' in M. &c. Necnon de iij. parte Rect' eccles. de K. cum pertin'. Et nisi &c.

SECTIO. 67.

A writ of couenant of Tythes.

A Leic. ss. PRæc' T.N. Milit', quod ten' T.P. conuenc' &c. de proficuijs granorum, fœni, lanę & agnor', ac de omnimod' alijs decim' cum ptinentiis in M. Et nisi &c.

SECTIO. 68.

A writ of Couenant of the Scite of a Monasterie.

A Derb. ss. PRæc' A.B. quod teñ C.D. conuenc' de scitu Monast. de B. cum pertin', Ac de xx. mes, &c. ac de communia pastur' pro oibus animal', ac de C.s. reddit', ac de redditu C. gallinar', & C. oper' cum pertinent' in E. & F. Et nisi &c.

B ¶Et est concordia talis, scz. q̃ p̃dict' A.B. recognouit pręd' situm teñt', cõmuniam pastur', & reddit' cum pertinent' esse ius ipsius C. vt ill' &c. (cum relax' & warrant' &c.

SECTIO. 69

A writ of Couenant of diuers things.

A Linc. ss. PRæcipe F.M. arm', & T.M. filio & heredi apparent̃ eiusdem F. quod teñ F.F. & N.R. gent̃ conuenc' &c. de maner̃ de T.S. & H. iuxta N. super Trent. Ac de xl. mes. xx. cotag', xl. tost̃ xxx. horreis, 2. molend' aquatic', vno molend' ventritico, iij. columbar̃ xl. gardiñ,

xl.

xl.pom', mille acr' terr', mille acris prati, mille acr' past. 500. acr' bosci, C. marisc. C. iampñ et bruer', C. acr' marisc. C. acr' alneti, C. acr' iuncar', 500. acr', more, iiij.li. redd', & redd', dimid' vnius libre piperis cum ptiñ in T. &c. Ac etiam de minora carboñ cum ptiñ in T. & S. Necnon de aduoc' Eccles. de T. & H. Et nisi &c.

SECTIO 70.

A writ of Couenant of Dismes and Tythes.

Nott. ¶. PRecipe D.E. quod &c. teneat R. Y. armig. coñ &c. de decimis garbarum, granorum & fœni cum pertinentijs in R. & W. Ac de decima fœni in V. Necnon de decimis lani, agnorum, oblationum, obuentionũ, & emolumentorum, & de omnibus alijs decimis quibuscudquꝫ, venieñ, crescen', & renouañ in W. prædict'. Et nisi &c. A

¶ Præcipe T.B. & A. vxori eius, quod ten' C. W. armig. con' &c. de Rectoria de L. ac de aduocatione Vicar' de ibi ac de decem mesuag. x. cotag', x. horreis, x. gardin' &c. cum pertinent' in L. prædict'. Et nisi &c. B

Præcipe &c. quod iuste &c. de x. mes. &c. in W. Nec non de Rector' ecclesiæ de G. & de decim' granor', fœni, lini, agnor', & omnium aliar' decimar' quarumcunque in G. prædict'. Ac etiam de aduocac' Vicar' eccles. de G. prædict' cum pertinent'. Et nisi &c. C

SECTIO. 71.

Releas by fine of one to two.

Sutt. ¶. PRæcipe W W. quod iuste &c. ten' I. L. & A. P. con' &c. de sex mesuagijs &c. cum pertinent' in C. W. & E. &c. Et nisi &c. A

¶ Et est concord' talis, scz. quod prædict' W. recogn' pd' tenement' cum ptinentijs esse ius ipsius I. vt ill' que ijdem I. & A. habent de dono præd' W. & illa remiser' & quiet' clam' de se & her' suis prædict' I. & A. & hered' suis imperpetuum. Et preterea idem W. concessit pro se & hered' suis, quod ipsi warrant' præd' I. & A. & hered' ipsius I. pred' tenementa cum B

cum

cum pertiñ contra pręd' W. & hæred' ſuos inperpetuum. Et pro hac, &c.

SECTIO 72.

¶ Fine vpon cogniſance de droit by the husband and wife to two.

A Surr. ff. pRęcipe I.T. & A. vxor eius, qd' iuſte &c. teñ W. R. & R. D. coñ &c. de quatuor meſſ. quatuor toftis, 40 acr' terr', 20. acris prati, 120 acr' paſtur', & 5. ſolid' & 4. d' reddit' cum pertiñ in S. Et niſi, &c.

¶ Et eſt concord' talis, ſcilicet, quod prædict' I. & A. recogñ prædictum tenementum cum pertinentijs eſſe ius ipſius W. vt illa quæ idem W. & R. habent de dono prædictorum I. & A. Et ill' remiſer' & quiet' clam de ipſis I. & A. & hæredibus ipſius I. prædict' W. & R. & hæredibus ipſius W. inperpetuum. Et preterea ijdem I. & A. conceſſerunt, pro ſe & hæredibus ipſius I. quod ipſi warrant' prædictis W. & R. & heredibus ipſius W. prædictum tenementum cum pertinent' contra prædict' I. & A. & hæredes ipſius I. inperpetuum. Et pro hac recogñ. remiſſione, quiet' clam, warrant', fine & concord', ijdem W. & R. dederunt prædictis I. & A. ducentas & quadraginta libras ſterlingorum.

SECTIO 73.

¶ A fine by Baron & feme and another.

A Lincolñ ff. pRæcipe R. B. geñ, & T. R. & M. vxor eius, quod teñ T. B. gent' conuēc' &c. de triginta acr' terr', duabus acr' prati, tribus acr' paſturæ, & ſex acris boſci cum pertinent' in C. & niſi, &c.

B ¶ Et eſt concordia talis, ſcilicet quod prædicti R. T. & M. recognouerunt tenementa prædicta cum pertinent' eſſe

ius ipsius T. B. vt illa quę idem T. habet de dono prædict' R. T. & M. Et illa remiserunt & quiet̃ clam̃ de ipsis R. T. & M. & hæred' ipsius R. præfat̃ T. B. & hæred' suis inperpetuum. Et præterea ijdem R. T. & M. concesser̃ pro se & hęred' ipsius R. quod ipsi warrant̃ teneme nta prdict' cum pertiñ præfat̃ T. B. & hæredibus suis contra prædict' R. T. & M. & hæred' ipsius R. inperpetuum. Et pro hac &c.

SECTIO 74.

¶ *A fine of a parcell in reuersion by a Copartener.*

Surr̃. ss. PRæcipe T. W. & K. vxor̃ eius, quod iuste &c. teneãt G. S. conuenc' inter eos fact', de tertia parte viij. messuag', sept̃ gardiñ, lx. acr terr̃, x. acr̃ prati, xx. pasturæ, quinquaginta acr̃. bosci, cum pertinentijs in A. B. C. & D. A

¶ Et est concordia talis, scilicet, quod prædictus T. & K. recogñ tertiam partem prædict' cum pertineñ esse ius prædict' G. & concess. quod eadem tertia pars cum pertineñ, quam M. B. vid' tenet ad terminum vitæ suæ de hereditate ipsius, K. die quo hæc concordia facta fuit, & quæ post mortem eiusdem M. ad ipsos T. & K. reuerti debuit, remañ præfat̃ G. & & hæredibus suis inperpetuum: Tenend' &c. Præterea ijdem T. & K. conc' pro se & hæred' ipsius K. quod ipsi warrant̃ præfat̃ G. & hæredibus suis tertiam partem præd' cum pertiñ sicut prædictnm est, contra se & hæred' ipsius K. inperpetuum, Et pro hac. &c. B

SECTIO. 75.

A fine leuied by an husband, and wife of a Manor, to an Archbishop and one other.

Midd. ss. PRęcipe I. L. Militi, domino L. & I. vxor̃ eius, quod iuste & sine dilatione teneant Reuerendo in A

do in Christo patri T.Y. permissione diuina Archiepiscopo Ebor̄ Anglię primati, & G.L. conuenc' inter eos fact' de manerijs de R.K. & M. cum pertineñ, ac de quinquagint̄ messuagijs, quingentis toftis, ducentis cotagijs, sex molendinis, quingentis horreis, quingentis gardiñ, quinque mille acr̄ terræ, mille acris prati, sex mille acr̄ pastur̄, mille acr̄ bosci, decem mille acr̄ iampnorum, & bruere, ac de quingent̄ libr̄ redd' cum pertineñ in R.C.A. alias S.T.V. W.& E. Ac de aduocatione Ecclesię de F. prædict'. Ac de Vis. francipleg. de R. C. & A. prædict' Et nisi &c.

B ¶ Et est concordia talis, scilicet, quod prędictus I. L. miles, dominus L.& I. vxor eius, recogñ maneria, teñt̄, redditus, aduocationem & vis. francipleg. prædict' cum pertineñ, esse ius ipsius T.Y Archiepiscopi Eborum, vt ill' quæ idem T.Y. Archiepiscopus & G. L. habeant de dono prædictorum I.L.& I. vxor̄ eius. Et illa remiser̄ T. Y. Archiepiscopo & G.L. & hæred' ipsius T.Y. Archiepiscopi inperpetuum. Et vlterius ijdem I.L & I. vxor eius, concesser̄ pro se & hered' ipsius L. quod ipsi warrantizabunt maneria tenement̄, reddit̄, aduocac', & vis-francipleg' prædict' cum pertinentijs prędict' T. Y. Archiepiscopo Eborum & G.L. & hęred' ipsius T.Y. Archiepiscopi contra omnes homines inperpetuum. Et pro hac &c.

SECTIO 76.

¶ *A Concord from two to two, with speciall warrantie.*

A ET est concord' talis, scilicet, quod prædict' A. & B. recogñ prædict̄ Maner̄, molendiñ, columbar̄, teñt̄, reddit̄, & communiam pastur̄ cum pertinentijs esse ius ipsius C. vt illa quæ ijdem C. & D. habent de dono ipsorum A. & B. Et ill' remiser̄ & quiet̄ clam̄ de se & hæred' ipsius A. prædict̄ C. & D. & hæred' ipsius C. inperpe-

tuum. Et ptæterea idem A. conceſſit pro ſe & hæredibus ſuis, quod ipſi warrãt prædict' C. & D. & hæred' ipſius C. prædict' manẽ, molendinũ, columbarium, teñ, reddit, & communiam paſtur cum pertineñ contra ſe & hæred' ſuos inperpetuum. Et vlterius idem B. conceſſit pro ſe & hæredibus ſuis &c. vt ſupra.

SECTIO 78.

¶ *A Concord of a Manor with a free warren and free fiſhing, by an Earle and his wife.*

ET eſt concordia talis, ſcilicet, quod prædicti comes & Fr. vx' eius recogñ prædict' manẽ, teñ, & reddit cum pertiñ, ac aduocationem, libertatem, liberam warreñ, & liberam piſcar præd' eſſe ius ipſius W. vt ill' quæ idem W. habet ex dono prædictorum comitis & Fr. vxor eius. Et ill' remiſerunt & quiet clamer de ſe & hæredibus ſuis præfat W. & hæred' ſuis inperpetuum. Et præterea ijdem comes & Fr. conceſſer pro ſe & hered' ipſius comitis, quod ipſi warrant manerium, tenementum, & reddit prædict' cum pertinentijs: Ac aduocationem, libertatem, liberam warrennam, ac liberam piſcariam prædict' præfat W. & hæredibus ſuis contra omnes homines in perpetuum. & pro hac. &c. A

SECTIO. 79.

¶ *A fine vpon Cogniſance of right, as that which he hath of his gift, with releas and warrantie by huſband and wife to a third perſon.*

PRecipe I. H. & V. vxori eius, quod iuſte &c. teñ R. P. generoſ. coñ &c. de manerio de B. cum pertiñ, ac de viginti meſſuagijs, duob' toftis, ſex cotagijs, 4 horreis, vno molend' aquat, vno molendino fullonico, vno molendino ventritico, vno columbario, viginti gardinis, decem pomarijs, centum A

tum acris terræ, centum acris prati, mille acris paſtur', decem acris boſci, viginti acris ſaliceti, centum acris iampnorum & bruere, viginti acris moræ, viginti acris turbariæ, triginta acris moſſet', ſex acr' iuncar', viginti acr' mariſci friſci, & viginti acr' mariſci ſalſi, duobus acris alneti, decem marcis redd cũ pertiñ in B. C. & D. Nec non de liberis piſcar' in aquis de O. C. & D. ac de ſeperali piſcar' in aqua de S. Nec non de aduocatione Eccleſię de B. alternis vicibus cum acciderit. Et niſi &c.

B ¶Et eſt concordia talis, ſcilicet quod prædicti I. & V. recogñ maneria, tenementa, reddit', & liber' piſcar' præd' cum pertineñ, ac aduocationem predict' eſſe ius ipſius R. vt ill' quæ idem R. habuit de dono prædictorum I. & V. Et ill' remiſ. & quiet' clam de ipſis I. & V. hered' ipſius I. prædicto R. & heredibus ſuis inperpetuum. Et præterea iidem I. & V. conceſſerunt pro ſe & hered' ipſius I. quod ipſi warrant' prædicto R. & heredibus & aſſignatis ſuis prædict' maner' tenementa reddit' & liber' piſcar', cum pertineñ ac aduoc' prædict' contra omnes homines inperpetuum: Et pro hac recogñ, remiſſione, quiet' clam warrant', fine & concordia, idem R. dedit prædictis I. & V. xl. li.

SECTIO. 80.

¶ *A Concord of many thinges together, ſur cognisance de droit come ceo &c.*

A HÆC eſt finalis, &c. Anno regni, &c. coram, &c. Iuſtic' & alijs dominæ Reg. fidelibus tunc ibidem preſentibus inter I. A. quer' & M. B. defore', De honore D. Caſtro vicecomitat' de S. cum hnndred' membris & pertiñ ſuis, Inſula de D. Baronia de D. hundred' de D. Burgo de D. vno feod' milit' in D. Scit', Ambit', & præcinct' nuper mo-

naſterij de D. numerio de D. cum pertineñ, Sic manerij de D. Grangia de D. Parco de D. Prebend' de D. vno capitali meſſ. 2. meſſ. 2 toftis, 2. cotagijs, 1. colūbꝝ, 1. molendino fullonico 1. molend' aquatico, 1 molend' ventritico, 1 molend' granatꝝ, 1. molend' bladaꝝ, 1. horreo, 1. gardiñ, 1 pomaꝝ 10. acꝝ terre, 10. acꝝ prati, 20. acꝝ paſturæ, 4. acꝝ boſci, 40. acꝝ. iampnorum & bruere 30. acꝝ more. 50. acꝝ mariſci ſalſi 9 acꝝ. mariſci friſci, 30. acr. turbaꝝ, 9. acꝝ iūcaꝝ, 6. acꝝ alneti 6 acꝝ moſſeti 4. acꝝ. terꝝ aqua cooperꝝ, communia paſturꝝ pro omnib' vel omnimod' animalibus vel pro C ouibus x equis, vaccis, porcis, ſpadonibus &c. libera warrena, lib. piſcaꝝ, libertatē faldagij libera falda, Curſio, falmꝝ plumbaꝝ bullaꝝ aque ſalſe, puteo, 20. libraꝝ decem marcaꝝ decem ſolidor vno denario vno obolo & quadrantē redd'. * Ac reddiꝫ vnius paꝝ chirothecarum, v- B
nius paꝝ calcarium deauraꝝ, ſagitte barbate, vnius paꝝ calceorum, vnius vomeris 1. libre cere, 1. libre piperis 1. libre, cumini 1. clauj gariophili, 1. roſe rubæ, 1. Acus & nih, 1. quartetij frumenti, quarterij ordei, 2. braſei caponum 40. gallorum, 20. gallinarum 1000. ouorum, & aucarum, cum pertinentijs in D.

* Ac de communia paſturæ quam prædicꝫ M. B. habet & hēꝫ ſolebat pro omnimodis auerijs ſuis in C. acris paſture ipſius I. A. in D. C

* Ac de omnibus vel omnimodis oblationibus, decimis D
granorum, garbarum, feni, lanæ, lini, canabiſ, porcellorum, aucarum, agnellorum &c. & alijs emolumentis quibuſcunq; ſpectañ pertineñ creſcentibus ſiue exiſteñ cum pertinentijs in D.

* Ac de theolonio, ſtallagio, picagio, pontagio, infra burgum de D. quodam corrodio vnius panis, vnius lagene ceruiciæ pro omnibus hominibus in D. E

* Et de gurgite & curſu aque current a loco vocat' H. infra & per terꝝ vocat' K. ad molend' vocat' S. F

* were ſiue veda in D. Ac de viſ. franc' pleg' libertate & G
franchefijs in D. Necnon de cuſtod' ſiue officio cuſtod' de

B. cuſ-

H B. cuſtod' parci & foreſte de D. ac de officio ſeneſcalciæ de D. Balliua ſiue officio balliuæ de D.

* Necnon de nundinis de D. ſingulis annis ad feſta de N. M. ibidem tenend', mercat' de D. quiet' ſiue libero paſſagio vltra aquam de D. Rectoria de D. aduocatione, preſentatione, donatiõ, libera diſpoſitiõ & iure patronat' eccleſiæ de D. quadam porcione decimarum aut pentionum in D.

I * Necnon de medietate manerij de D. cũ pertineñ, & de tertia parte teñ de C. in tribus partibus diuiſ. excepta & omnino reſeruat' patronagio vna cum aduocatione vicariæ eccleſiæ de D. & capelle eid' rectorie annex' ac omnibus decimis granorum, viſ. franc' pleg', ac omnibus quæ ad viſ. franc' pleg' pertinent, ward', maritagijs eſcaet', cattall' felonum, waniat', extrahur', felõn fugitiuorum, vtlagat', attinct' cum tert' & tenement' vtlagat & wauiat, quibuſcunque feriis mercat', wrecc' maris, ac tot & tantis iuribus, iuriſdictionibus priuilegijs franchef. & libertat' tenement' prædict' aut aliquod eorum concernen & eid' M. B. & heredibus ſuis vt de manerio de D. ſpectañ.

K * Vnde placitum conuentionis ſummonit' fuit inter eos in eadem Cur'. Scilicet quod prædict' M. recognouit prædict' honorem, Caſtrum, vicecomitatum, Inſulam, baroniam, hundredum, burgum, feod' milit', Sit', manerium, parcum, prebend', tenement', reddit', communiam paſture, liberam warrenam, liberam piſcariam, libertatem ſalin, plumbarum, bullar', puteum, rector, decimas, oblationes, Theoloneum, ſtallagium, picagium, pontagium, corrod', gurgitem, viſ. franc' pleg' libertates franchef. cuſtod', officium ſeneſcall', balliuæ, nundinas, mercatas feriam, paſſagium, Wreccum maris, medietatem & tertias partes cum pertinentijs. Ac aduocationes, præſentationes, liberam diſpoſitionem, ius patronat, porcionem & pentionem prædictas eſſe iuſ ipſius J. Vt illa quæ

idem I. habet de dono prædict' M. & ill' remiſ. & quiet clama' de ſe & heredibus ſuis prædict' I. Et heredibus ſuis inperpetuum.

Et præterea idem M. conceſſ. pro ſe & heredibus ſuis M
quod ipe warrant' prædict' I. & heredibus ſuis prædict' honorem, caſtrum, vicecomitatum, inſulam, &c. (vt ſupra,) contra ſe & heredes ſuos inperpetuum. Et pro hac recognitione, fine, &c.

SECTIO 81.

¶ *A fine of a rent.*

Notttingh. ſſ. PRæc' I. comiti H. & dominæ K. vxori A
eius comitiſſe H. quod iuſte & ſine dilatione teñ W. C. Conuenc' &c. de quadraginta libr' annui reddit exeuntis de Manerijs de E. &c. Et niſi, &c.

¶ Et eſt concordia talis ſcilicet quod prædictus comes & comitiſſ. recognouerunt redd' prædict' cum pertineñ eſſe ius ipſius W. vt illa quæ idem W. habet de dono prędictorum comitis & comitiſſe. Et ill' remiſer & quiet clamauer de ſe & heredibus ſuis præfat' W. & heredibus ſuis inperpetuum, Et præterea ijdem comes & comitiſſa concedunt pro ſe & heredibus ipſius comitis quod ipſi warrant' redd' prædict' cum pertineñ præf. W. & hered' ſuis contra omnes homines inperpetuum. Et pro, hac &c.

SECTIO 82.

¶ *A Fine of part of a rent by husband and wife.*

Suffolke ſſ. PRæc' R. & I. vxori eius quod teneant H. C. A
conuenc' &c. de tertia parte quinque libr' ſex ſolid' & octo denar' reddit cum pertiñ exeuñ de manerijs de K. Et niſi &c.

¶ Et

B ¶Et eſt Concordia talis ſcilicet quod præd R.& I. recognouer tertiam partem prædictam cum pertiñ eſſe ius ipſius H. vt illam quam idem H. habeat de dono prædictor R. & I. Et illa remiſer & quiet clamauer de ſe & hered' ipſius I. præfato H. & hered' ſuis inperpetuum. Et preterea ijdem R. & I. conceſſer pro ſe & heredibus ipſius I. quod ipſi warrant præfat H.& hered' ſuis prædictam tertiam partem cum pertineñ contra omnes homines inperpetuum, Et pro hac,&c.

SECTIO 83.

¶ *A Precipe with an exception ar. diſowing of ſome parcels.*

A PRæc' &c. Coñ.&c. de Rectoria de T. cum. pertiñ, except aduocatione vicar Eccleſiæ de T. Et niſi &c.

¶ Et eſt &c. quod prædict' A. recogñ Rectoriam prædictã
B cum pertiñ (except præexcept) eſſe ius &c. Et ill' remiſ. &c. (except præexcept.) Et præterea idem &c. conc' pro ſe &c. quod ipſe warr prædict' &c. Rectoriam præd' cũ pertiñ (except præexcept) &c.

SECTIO 84.

A Ebor. PRæc' C.B.& F. vxori eius quod teñ E. D. & R. coñ &c. de manerio de S. cũ pertiñ ac de x. meſſ. viij. Cotãg' CC. acr terræ, C. C. acr prati, 160. acr paſture, 300, acr more & vj.s. redd' cũ pertiñ in A. F. B.& C.& niſi fecerint &c.

¶ *A Concord, with a render for life, the remainder to the 1.2.3.&c. ſome of the Cognizor.*

B ¶Et eſt Concordia talis ſcilicet quod prædict' T. & F. recogñ maner, tenementa & redd' prædict cum pertiñ eſſe ius ipſius E. vt ill' quæ ijdem E.& R. habent de dono prædict' T. & F. Et illa remiſer & quiet clam de ipſis T. & F. & hered' ipſius F. præfat E.& R.& hered' ipſius E. inperpetum. Et preterea ijdem T.& F. conceſſer pro ſe & hered' ipſius F. quod ipſi warrant manerium tenementa & redd' cum pertiñ præf.

E.&

E. & R. & hered' ipſius E. contra ipſos T. & F. & hered' ipſius F. inperpetuum. Et pro hac recogñ &c. ijdem E. & R. conceſſer præfat T. & F. manerī de S. prædict cum pertinentijs, ac 20. meſſ. 8. cotag' 20. acr' terræ 20. acr' prati, 160. acr' paſtur', 300. acr' more, vi. s. redditus cum pertinēt in A. & F. predictis, parcellas manerī, tenementorum & redd' prædict'. Et ill' eis redditer in eadem curia. * Habendum & tenendum C præfat T. & F. pro termino vitæ ipſorum T. & F. & alterius eorum diutius viuent abſque impetitione alicuius vaſti. Et quod poſt deceſſum prædicti T. & F. & eorum alterius diutius viuent prædict' parcell' manerī, tenementorum & redd' prædict cum pertinentijs remañ primogentio filio de corporibus præd' T. & F. inter eos legitime procreat & hered' maſcul' de corpore predict primogenit filij legitime procreat. Tenend' &c. * Et ſi nullus heres de corpore ipſius primo- E geniti filij fuer legitime procreat, prædict parcell manerī, tenementorum & redd' prædict cum pertiñ remañ ſecundo genito filio de corpore prædict T. & F. inter eos legitime procreat, et hered' maſcul' de corpore dicti ſecundi geniti filij legitime procreat, Tenend' &c. * Et ſi nullus he- D res de corpore ipſius ſecundi geniti filij fuer legitime procreat, tunc prædict' parcell' manerī, tenementorum & redd' prædict' cum pertinen remañ hered' de corporibus prædict' T. & F. inter eos legitime procreat, Tenend' &c. Et ſi nullus heres de corpor ipſorum T. & F. inter eos fuer legitime procreat', tunc prædict parcell manerī, tenementorum & redd' prædict' cum pertinentijs remañ inde rectis hered' ipſorum T. & F. inperpetuum. Tenend' &c. Et vlterius ijdem E. & R. conceſſ præfat T. & F. x. meſſ &c. cum pertinentijs in B et C prædict reſiduum prædict' manerī tenementorum et redd' prædict. Et ill' eis redd' in ead' Cur'.

SECTIO. 85.

¶ *A Fine to a Corporation.*

Droñ. ſſ. PRæc' IP vid & E. P. geñ quod iuſte &c. teñ A W. E præſidenti Collegij Sancti Iohannis Bapt in

in Academia Oxoñ & Scolastic' eiusdem Collegij coñ &c. de situ & pręcinctu domus Collegij vulgariť nũcupať the white Friers in suburbijs ciuitať Oxoñ cum pertinentijs ac de vj. mesuag' vj. gardiñ vj. pomař v.acř terř duobus acris prati & sex acris pasture cum pertiñ in suburbijs ciuiť præd'. Et nisi &c.

B ¶ Et est Concordia talis scilicet quod prædict' I. & E. recogñ tenementa prædicta cum pertinentijs esse ius ipsorum præsidentis & Scholasticorum, vt ill' quę ijdem præsidens & Scholastici habent de dono prædictorum I. & E. Et ill' remiseř & quieť clamaueř de se & heredibus ipsius E. præfatis pręsidenť & Scholastic' & successoribus suis inperpetuum. Et p̃terea ijdem I. & E. concesseř pro se & hered' suis quod ipsi warranť præfať Presidenť & Scholastic' et successoř suis tenementa præd' cum pertiñ contra præf. I. & E. & hered' ipsius E. inperpetuum. Et pro hac &c.

SECTIO. 86.

¶ *A Dedimus pot statem to take knowledge of a warrant of Attorney of the vouchee.*

A REx & Regina dilecto & fideli suo Ra. Ro. seruienti ad legem, Salutẽ. Cum breue nr̃ũ de ingressu super disseisinã in le post pendeat corã Iustic' de Banco inť W.S. & R.C. generř peteñ & G.T. miliť dñum T. deforc' de Manerio de W. cum ptiñ ac de vno mess. ducenť acris terrę 60. acř prati, 100 acř pastuř, C. acris bosci, l. acř more, & quinq; solidať reddiť cum ptiñ in W. & L. in coñ Salop̃ & præd' G. in plena Cuř nostř ibidem coram Iustic' nostris præd' comparens vocauit W.C. ad warř ei Maneř præd' cum pertiñ super quo tunc & ibidẽ emanauit br̃e nr̃ũ de sum̃ ad warř vicec' coñ p̃d' direct' vers. eund' W.C. returnabile coř Iustic' nostris p̃dict' in xv. S. Hill' prox' futuř. Et quia p̃dictus W.C. adeo impotens sui & senio confect' existit q̃ vsq; West' coř Iustic' nr̃is p̃d' ad diem in dicto breue nr̃o de sum̃ ad warř cõtenť laborare nõ suffic' vt accepim⁹. Nos statum eiusd' w. cõpacientes in hac p̃te Ded' vobis potest' & pleñ authoř Attoř vel attorñ quem vel quos idem

idem W.C. ad warrant' vocand' lucrand' vel perdend' in placito prædicto coram Iustic' nostris prædictis loco suo coram vobis ponere aut constituere voluerit recipiend'. Nosque inde in Canc' nostra de nomine huiusmodi Atturn̄ vel Atturnatorum debite certificand'. Et ideo vobis mandamus quod ad præfat' W.C. si cōmod' ad vos laborare non sufficit personaliter accedatis, Attorn̄ q; suum vel Attorn̄ suos coniunctim vel diuisim in forma prædicta recipiatis. Et cum Attorn̄ illum vel Atturn̄ illos sic receperitis nos inde in Canc' nostra in xv. Sancti Hillarij vbicunque tunc fuerit sub sigillo vestro debite certificetis, hoc breue nobis remittentes T. &c.

It is returned thus.

Respond' infranominat' R.R. ad hoc breue. B
Execuc' istius breuis patet in quadam schedula.
Huic breui annex' R.R.

Saloꝑ ff. PRæcipe G. T. militi domino T. quod iuste &c. C
reddat W.S. & R.C. manerium de W. cum pertineñ ac vnum mesuag' &c. (vt supra in le Dedimus potestatem verbatim) cum pertin̄ in W. & L. que clamant &c.

Saloꝑ ff. VOc' ad warran̄ po lo suo, A.B. & F.R. coniunctim & diuisim versus W.S. & R.C. de placito terræ. D

¶ Capt̄ & recogn̄ apud Firbeck in com̄ Eborum decimo die Februarij, Anno Regni dominæ nostræ Eliz. &c. 36. E

Ra. Ro.

SECTIO. 87.

¶ *Dedimus potestatem de attorn' rec' in breui de ingressu super disseisinam in le post' pro tenent'.*

REx dilecto & fideli suo H.W. militi, Salutem. Cum per breue nostrum de ingressu super disseisina in le post pendens coram Iustic' nostris de communi banco nostro int̄ H. D. & T.H. de xx. acris terræ tribus acri prati & xij. acris pa-

sture

ſture cum pertineñ in M. in coñ N. Et quia idem T. adeo impotens & ſenio confectus exiſtit quod abſque maximo corporis ſui periculo coram Iuſtic' noſtris prædictis ad diem in dicto breui noſtro contentũ laborare nõ ſufficit, vt accepimus. Nos ſtatum eiuſdem T. pie compacientes in hac parte, dedimus vobis plenam poteſtatem & auctoritatem attorñ vel attornatos coniunctim vel diuiſim, quem, vel quos idem T. ad lucrand' vel perdend in placito prædicto coram Iuſtic' noſtris prędictis loco ſuo coram vobis ponere aut conſtituere voluerit recipiend', noſque inde in Canc' noſtra de nomine huiuſmodi attorñ vel attornatorum debite certificand'. Et ideo vobis mandamus quod ad præfat' T. ſi cõmode ad vos laborare non ſufficiat perſonaliter accedatis, attornatq; ſuum vel atturnatos ſuos coniunctim & diuiſim in forma prædicta recipiat. Et nos in Canc noſtra de nomine huiuſmodi attorñ vel attornatorum ipſius T. in Craſt' Sancti I. proximñ futur' vbicunq; tunc fuerit ſub ſigillo veſtro debite certificetis hoc breue nobis remittentes, T. xxv. die April' Anno Regni Regine &c.

It is returned thus.

B RFſpond' Infranominat' H. W. ad hoc breue Execuc' iſtius breuis patet in quadam ſchedula huic breui annex'. H. W.

C Nott. ſ. PRæcipe T. H. quod iuſte &c. reddat' H. D. 20. acras terræ &c. vt ſupra in le Dedimus poteſtatem verbatim cum pertinentijs in M. que clamat' &c.

D Nott. ſ. T. H. po. lo. ſuo A. B. & F. R. coniunctim & diuiſim verſus H. D. de placito terræ.

E ¶ Capta & cognit' apud Furbecke in coñ Eborum decimo die Februarij, Anno Regni dominæ noſtræ Eliz. &c. 36.

H. W.

SECTIO

SECTIO. 88.

¶ *Aliud breue de Dedᵗ poteſtᵗ rec' attorn' ten' ſuper breue de ingreſſu.*

REx reuerendo in Chriſto patri Cuthberto Epo D.& W.B. A
Salutē. Cum breue nr̄m de ingreſſu ſuper diſſeiſinam in le poſt pendeat corā Iuſtic' nr̄is de Banco inter A. B. milit̄ petentem & C.D. armig' tenentem de quarta parte Manerij de F. cū ptiū ac 800. acris terre, 20. acris prati 220. acris paſtur', 300. acris boſci, & quadraginť libris redd' cum pertin̄ in F. præd' in com̄ Eſſex. Et quia idem C. adeo impotens ſui & ſenio confectus exiſtit, quod abſque maximo corporis ſui periculo vſq; Weſtm̄ ad dīē indict̄o br̄i contenť ad pſonaliter cōparend' et ad id q̄ in eod' tūc ibidē fieť eppedīēs foret faciend' & agend', laborare non ſufficit, vt accepimus. Nos ſtať eiuſdē C. compacientes in hac parte Dedimus vobis & vtriq; vr̄m coniunctim & diuiſim plenā poteſtatē & auct̄horitatē recipiendi Attorn̄ vel Attorn̄ p̄dicti C. quem vel quos idē C. pſonaliť coť vobis vel vno vr̄m verſus pref. A. in breui p̄d' pendeñ corā p̄f. Iuſtic' nr̄is loco ſuo ponere, attornare, vel conſtituere voluerit ad placita placitand', warr', vocand', lucrand' vel perdend' in breui illo. Et ideo vobis & vtriq; vr̄m coniunctim & diuiſim mandamus q̄ ad p̄f. C. ſi cōmode ad vos laborare non ſufficiat pſonaliť accedentes attorn̄ vel attornať quē vel quos idē C. perſonaliť coť vobis vel vno vr̄m in breui p̄d' coram p̄f. Iuſtic' nr̄is pendeñ verſus p̄f. A. ad placita ibidē ad pref. terminū placitand' warr' vocand', lucrand', vel perdend', loco ſuo ponere, attorn̄ & conſtituere voluerit, recipiatis vel vnus vr̄m recipiat. Et cum attorn̄ vel attorn̄ hr̄ndi ſic receperitis, vel vn⁹ vr̄m receperit, nos inde in Cancellar' noſtra de nomine vel nominibus huiuſmodi attornati vel attorn̄ ipſius C. in Oct' Sancti Hill' prox. futur vbicunq; tunc fuerit ſub ſigillis veſtris vel vnius vr̄m debite certificetis vel vnus veſtrum certificet, hoc breue nobis remittenſes, Teſte &c.

SECTIO. 89.

¶ *A Fine for Homage, Rent and Seruices.*

Salop̄. PRæc' E.T. at' q̄ teñ N.P. com̄ de vna acr' t̄ræ & A
quin-

quindecim solidis redd' cum ptiñ in G.& F. Et nisi &c.

B ¶Et est Concordia talis scilicet ꝙ præd' E. T. recognouit p̄d' acr̄ terræ cū pertiñ esse ius ipsius N. vt ill' quam idem N. habeat de dono pręd' E. et ill' remisit et quiet̄ clamauit de se et hered' suis pręf. N. heredibus suis inperpetuum. Et prædict⁹ E. concessit præfat' N. pręd' reddit̄ simul cū homagio & toto seruitio I. H. et heredum suorum de tot tenementis quot de prædict̄ E. prius tenuit in F. prędict̄. Habend' percipiend' et gaudend' prædict̄ reddit̄ simul cum homagio & toto seruitio prædict̄ N. et heredibus suis imperpetuū. Et præd' E. et hered' sui warr' pręd̄ N. et hered' suis prædict̄ acr' terr' & reddit̄ prædict̄ cum pertinentijs simul cum homagio et toto seruitio præd' (sic vt dictum est) contra omnes homines imperpetuum. Et pro hac &c.

SECTIO 90.

¶ *A Fine of a Manor and knights fees and seruices by the husband and the wife and others.*

A INter H. W. et I. B. quer' et T. M. Militem et T. filium eiusdē T. et E. vxorē eiusdē T. filij et W. M. deforc' de Manerio de T. cum pertiñ vnde placitum conuentionis sum̄n fuit int̄ eos in eadem curia scilicet ꝙprædict̄ T. T E. et W. recogñ prædict̄ manerium cum pertiñ esse ius ipsius H vt illud quod ijdem H et I habeant de dono prædict̄ T. T. E et W. vna cum septem feodis militum in eodem Manerio Et concesser' pręd̄ict̄ H et I prædict̄ manerium et feod' cum pertiñ simul cum homagijs et omnibus seruitijs M W et I N. et hered suorū de tot tenementis quot de prædict̄ T. T E, et W. prius tenuerunt in eodem Manerio. Et ill' eis reddider̄ in eadē cur̄. Habend' et tenend' ijsdem H. & I. et heredibus ipsius H de capital' dominis feodi illius per seruitia quę ad p̄d' Manerium et feoda ptinēt inppetuū Et p̄terea ijd' T. T. E. et W. cōcesser̄ pro se et hered' ipsius E. ꝙ ipsi warr' p̄d' H. et I. & hered' ipsius H. prædict' manerium et feoda cum pertiñ sicut præd' est contra omnes homines inperpetuū Et pro hac recognitione,

con-

conceſſione, warrantia, fine & concordia ijdem H. & I. dederẽ prædict' T. T. E. & W. 20. li. ſterlingorum.

SECTIO. 91.

¶ *An old fine in Frankalmoigne before Iuſtices in Eire.*

HEc eſt finalis concordia facta in Curẽ domini regis apud Lincolñ in Octab. Sancti Mich. Anno regni Regis Henẽ filij regis Iohannis, 55. coram R. A. G. P. W. W. W. H. & I. O. Iuſticiarijs itinerantibus & alijs domini Regis fidelibus tũc ibidem præſentibus, inter I. D. petentẽ, & Priorem de C. deforc', de aduocac' Eccleſiæ de D. cum pertinentijs vnde placitum conuenc' ſummõ fuit inter eos in eadem Curẽ, ſcilicet quod prædict' I. recognouit prædict' aduocac' cum pertineñ eſſe ius ipſius Prioris & Eccleſiæ ſuæ S. Mariæ de C. vt ill' quam idem Prior & Eccleſia ſua habent de dono W. filij W. anteceſſoris ipſius I. cuius hæres ipſe eſt: Habend' & tenend' eid' Priori & ſucceſſ. ſuis & Eccleſiæ ſuę præd', de prædict' I. & hæred' ſuis in puram & perpetuam eleęmoſinam, liberam & quiet' ab omni ſeruicio ſeculari & executione inperpetuũ. Et prædict' I. & hęred' ſui warrant', acquietabunt, & defend' eidem Priori & ſucceſſ. ſuis & Eccleſ. ſuę præd' prædictã aduocac' cum ptiñ &c. Et pro hac &c. idem Prior remitt' præd' I. ſingulis beneficijs & orationibus quæ de cetet' fient in Eccleſia ſua prædict' inperpetuum. A

SECTIO. 92.

¶ *A Concord of lands in the Countie palantine of Lancaſter.*

Lancaſter. HÆc eſt finalis concordia fact' in Curia dominæ Reginæ apud L. die lunę in quinta ſeptimana quadrageſimę, anno Regni Eliz. dei gratia Angliæ, Franc', & Hiberñ Reginæ fidei defenſor' &c. xxxij. coram I. Clench tertio Baroñ Scaccar' A

Scaccar dñę Reginæ,& F.R vno Seruientiū dominæ Reg. ad legem Iustic' dominī Reg. apud L. & alijs dict' dñæ Reg. fidelibus tunc ibi pręsentibus inter H.T.& R.H.quer',& W.C.gen deforc',de vno mesuag.&c.cum pertinentijs in T. vnde placit' conuentionis sumn fuit inter eos in eadem curia, scilicet,quod prædictus W.recognouit &c.

SECTIO. 90.

¶ *A Fine in the Countie Palantine of Chester.*

A **Chester' ll.** HEc est finalis concordia fact' in Curia dominæ Reg. apud Chestr die Lune septimo die Maij, anno Regni dñæ Reg. Eliz.xxxij.&c. inter H. S. & W.S.& E.vxorem eius deforc',de duobus mesuagijs,duobus salinis vocat' **Wich houses**,aliter **Salt houses**,duobus shoppis,ij.cameris,vno stabulo,decem ac' terr',quatuor ac prati,& 6.ac' pasturę cū pertinentijs in H. & S. vnde placitum conuentionis sumn fuit inter eos in eadem curia, scilicet, quod prædict' W.S.& E.vxor eius recogn tenta prędict' cum pertinen esse ius præd' H S. vt ill' que idem H.S. habet de dono prædictorū W & E.Et ill' remisser & quiet clam de se & hered' eius præf H.S.& heredibus ipsius H.S.inperpetuum. Et præterea præfat W.& E. concesser pro se & hered' ipsius W. quod ipsi & hered' prædict' W. tenement prædict' cum pertinentijs pf H & hered' eius warrant contra omnes homines inperpetuum. Et pro hac recognic',remiss.quiet clamac',fine & concordia præf. H.S. dedit præf.W.& E.quadraginta libras sterlingorum.

SECTIO. 91.

Ebor. ll. ¶ *A lease for yeres reseruing a Rent by graunt.*

A PRæcipe F.T.& M.vxori eius,quod iuste &c tenI H & K.vxori eius conuenc' &c.

B ¶ Et est concordia &c.scilicet,quod præd' F.& M.cōcess.

prædict' I.& K.tenement prædict' cum pertineñ. Habend' & tenend' eidem I.& K.a festo &c. quod erit in anno &c. complend', si prædict' M.tam diu vixerit. Reddend' inde ad festa &c.per equales portiones soluend' durante toto termino prædicto &c. Et si cõtingat &c. *Quere* whether this be a good lease at this day against issue in taile.

SECTIO 92.

¶ *A lease for yeares rendring rent with a render and a distresse.*

Eboꝝ. ff. PRæcipe T.P.armig', & W C.gent, q̃ iuste &c. A
teñ I.W.& E.M.conuenc' &c. de vno mesuag' &c.cum pertinentijs in H.et B.ac de libera piscaria in aqua de B. Et nisi &c.

¶ Et est concordia talis,scilicet,quod prædict' T.et W.re- B
cogñ tenement & liberam piscariam prædict cum pertiñ esse ius ipsius I.vt ill' que idem I.et E.habent de dono prædicto ñ T.et W. Et ill' remis. & quiete clam̃ de se et hered' suis præfat I.& E.et hered' ipsius I. inperpetuum. Et præterea ijdem T. et V.concess,pro se et hered' ipsius T. quod ipsi warrant tenement et liber piscariam pred' cum pertiñ prefatis I. & E.et hæred' ipsius I.contra omnes homines inperpetuum. Et pro hac recognic',remissione,quiet clam̃,warr',fine,& concordia, ijdem I.et E.concesser præf.W. tenement et liber piscar p̃d' cum pertineñ. Et ill' ei reddider in eadem cur'.Habend' et tenend' tenementa et liberam piscariam prædict cum pertinentijs præf.W,et assignatis suis,a festo Sancti Martini inhyeme vltimo preterito,vsque ad finem termini sexaginta annorum extunc proxiñ sequeñ & plenarie complend'. Reddend' inde annuatim prefatis I. et E. et hered ipsius I.quendam annual' reddit iij.li.vj.s.viij.d.legalis monetę Angliæ,ad festa S. Martini Episcopi in hyeme & P. per equales portiones durant termino prædict soluend'. Et si contingat præd' annual' redd' iij.li.vj.s.viij.d aretro fore in parte vel in toto post aliquod festum festorũ præd' quando vt prefertur solui debeat

non

non ſoluat̃ per ſpacium viginti dier̃, quod tunc bene liceat & licebit pref. I. et E. et hered' ipſius I. in teñ pred' cum pertiñ intrare et diſtringere, diſtrictioneſque ſic ibidem capt̃ & habitas licite aſportare, effugare, abducere, & penes ſe retinere, quouſque de prædict̃ annual' reddit̃ iij. li. vj. s. viij. d. vna cum arreragijs eiuſd' ſi q̃ fuerint ſibi plenarie fuerit ſatisfact̃ & p̃ſolut̃. Conceſſer̃ etiam præd' I. et E. præfat̃ T. tam reuerſionem teñtorũ et liberę piſcarię prædict' cũ pertiñ, quam prędict̃ redd' iij. li. vj. s. viij. d. ſuperinde reſeruat̃. Et ill' eis reddider̃ in eadem cur̃: Habend' et tenend' tam reuerſionem tenementorũ et liber̃ piſcar̃ pred' cum pertineñ, quam prædict̃ redd' iij li. vj. s. viij. d'. ſuperinde reſeruat pref. T. et hered' ſuis inperpetuum. Tenend' &c. vt ſupra.

SECTIO 93.

¶ *A leaſe for yeres ſauing the reuerſion.*

A Cbor̃ ll. pRæcipe C. et A. vxori eius, quod iuſte &c. teñ W. S. et I. vxori eius, conuene' &c. de &c. expreſſing the Tenements &c.

B ¶ Et eſt concordia talis, ſcz. quod p̃dict' C. et A. recognouerunt teñt prędict' cum pertinentijs eſſe ius ipſius W. vt illa que ijdem W. et I. habent de dono prędict' C. et A. Et ill' remiſer̃ et quiet̃ clam̃ de ſe et hered ſuis pref. W. et I. et hered' ipſius W. inperpetuum. Et pręterea &c. Et pro hac &c. prædict' W. et I. conceſſ̃ teñta prædict' cum pertinentijs præf. C. et A. et ill' eis reddider̃ in eadem cur̃. Habend' et tenend' teneñt pręd' cum pertiñ præf. C. et A. et aſsigñ ſuis a feſto S. Mich. archangeli vltim̃ pręterito, vſque ad finem termini et pro termino xl. annorum tunc proxim̃ ſequeñ et plenarie cõplend'. Et præterea ijdem W. et I. et hered' ipſius W. warrant̃ tenement̃ prædict̃ cum pertinentijs pręfato C. et A. et aſsignatis ſuis, durante termino prædicto contra omnes homines. Et pro hac &c. vt ſupra.

SECTIO. 94.

¶ *A lease by tenant for life for xxi, yeres, if she liue so long.*

Ebor. ss. P Præcipe I.P. gener̄ & E. vxori eius, & R L arm', q̄ A
ten̄ I.M. conuenc' &c.

¶ Et est concordia talis, scilicet quod cum prædict' I. P. & B
E habent & tenent sibi pro termino vitę ipsius E. prædict' tenement' & piscar̄ cum pertin̄, reuersione inde post decessum ipsis E W T & hered' suis spectant̄, ijdem I F & E & R concesser̄ præfato I M prædict' tenementa et piscar̄ cum pertinentijs: Habend' & tenend' eidem I. & assignat̄ suis tota vita ipsius E. * Et præterea prædict' I F & E & R warrant̄ prę- C
fat̄ I M et assignat̄ suis ten̄ta et piscar̄ præd' cum pertin̄ sicut dictum est contra prædict' I F et E. tota vita ipsius E. Et pro hac concess. warrant̄ fine & concordia, idem I M concessit præfat̄ R. tenement̄ & piscar̄ prædict' cum pertin̄, & illa ei reddidit in eadem curia. * Habend' & tenend ten̄t̄ et pis- D
car̄ prædict̄ cum pertin̄ eidem R pro termino xxj. annorum proxim̄ sequen̄ et plenarie complend', si eadem E tam diu vixerit. * Reddend' inde annuatim præfato I M et assign̄ E
suis 14. li. ad festa &c. per equales porciones annuatim soluend' tota vita ipsius E. * Et si contingat &c. concessit etiam prædictus I M præfatis I F et E reuersionem ten̄torū et piscarię prædict' cum pertinen̄, et redditū prędict' superinde reseruat̄, et ill' eis reddid' in eadem curia. * Habend' & te- G
nend' eisdem I F et E, de capitalibus dominis feodi illius per seruitia quę ad prædict̄ tenementa et piscariam cum pertin' pertinent tota vita ipsius E. * Et post terminum illū finitum, ten̄t̄ præd' cum pertin' integre remanebunt P. assig' suis pro termino xxj. annorum post festum Sancti Martini in hyeme prox' futur̄ immediat̄ sequent̄ et plenar̄ complend'. * Red- H
dend' inde annuatim præfatis P. & E. & hered' ipsius P. toto termino peædict', vnam Rosam rubeam ad festum S. Iohannis Bap. annuatim soluend' si petatur. * Et post terminū illū finitum

finitum, tenta prædict' cum pertin integre remanebunt præfat E. & M. & hæred' ipsius E. inperpetuum de capitalibus dominis feodi illius, per seruitia quæ ad prædict' tenementū pertinent inperpetuum.

SECTIO. 97.

¶ *A leaſe to the wife for xxi. yeares, to commence after her husbands death, reſeruing a Rent, the Cogniſees graunt backe the ſame reuerſion and rent.*

South. ff. PRæcipe C.C. armig. & D. vxori eius, & R.B. generoſ. quod ten H. M. & C. M. conueuc' &c. de duobus meſſuagijs cum pertineñ in parua S. & niſi &c.

B ¶ Et eſt concordia talis, ſcilicet, quod prædict' C. & D. & R recogñ tenement prædict cum pertineñ eſſe ius ipſius H. vt ill' &c. Et ill' remiſer &c. Et præterea &c. Et pro hac &c. prædict' H. & C. Conceſſer præfat R. tenement predict' cum
C pertiñ. Et ill' ei redd' in eadem curia. * Habend' & tenend' tenē prædict' cum pertiñ præfat R. tota vita ipſius R. & immediate poſt deceſſum ipſius R. tenementa prædict cum pertineñ integre remanebunt M. vxori ipſius R. execut vel aſſiignē ſuis, pro termiñ 21. annoꝝ extunc proxiñ ſequeñ &
D plenar complend'. * Reddend' inde annuat præf. H. & C. & hered' ipſius H. quandam annuitat ſiue annual' reddit 5. li. leg' monetæ Ang. ad feſta S. Mar. Epiſcopi & Pent. per equales porciones annuatim durant eodem termino, ſoluend', prima ſolutione inde incipiend' ad prox. feſt. feſtoꝝ prædictoꝝ
E poſt deceſſum præd' R. * Et ſi contingat prædict' annuit ſiue annual' redd 5. li. aretro fore &c. Conceſſ. etiam prædict' H. & C. præf. C.C. & D. tam reuerſionem tenē torum cum pertiñ, quam præd' redd' 5 li ſuperinde reſeruat. Et ill' eis reddider in eadem cur. Habend', tenend', & percipiend' prædict' reuerſioñ tñ torum prædictr cum pertiñ & redditum prædictum præf. C. C. & H. & hæredibus ipſius D. inpepetuum.

SECTIO. 96.

¶ *A Fine of a Remainder for yeres, reseruing rent, and rendring the remainder to an estranger.*

Chor̄ ss. PRæcip̄ &c. C.N. & T.T. quod teñ M.B. et E.D. conuenc' &c. de &c. Et nisi &c. A

¶ Et est &c. quod cum I.R. habet et tenet sibi et hæred' de corpor̄ suo legitime procreat̄ teñt̄ prædict' cum pertineñ remañ inde post decessum ipsius I. si idem I. obierit sine hærede de corpore suo legitime procreat̄, præfat̄ C. et hered' suis spectañ, ijdem C. & T. concesser̄ tenementa præd' cum ptiñ præd' M. et E. et hered' M. inperpetuum. * Tenend' &c. Et pręd' C. et hered' sui warrant̄ præf. M. & E et hered' ipsius M teñta prędict' cum pertiñ sicut p̄dictum est, contra omnes homines inperpetuum. * Et pro hac concessione, redditioñ, warrant̄, fine, et concord', ijdem M. et E. concesser̄ præd' T. tenement̄ præd' cum pertiñ. Et ill' ei redd' &c. * Habend' &c. eid' T. et assigñ suis, a festo S. Mart̄ in hieme prox' post decessum p̄d' I. si idem I. obierit sine hęrede de corpore suo legitim̄ procreat̄, vsque finem termini et pro termino mille et quingent̄ annorũ extunc proxim̄ sequeñ et plenarie complend', absq; impetitione alicuius vasti. * Reddend' inde annuatim pręf. M. et E. et hęred' ipsius M. vnum denar̄ ad festũ &c. annuatim soluend' toto termino pręd' si petatur. Et post terminũ illum finitum, p̄d teñta cũ ptiñ integre remañ P.T. vni filiorũ p̄d' T. et hered' ipsius P. inppetuũ &c. vt supra. B

SECTIO 97.

¶ *A lease in reuersion paying a Rent.*

North. ss. PRæcipe A.B. et E. vxori eius, quod teñ C.D. conuenc' &c. de vno mesuag' &c. A

¶ Et est concord' talis, scz. q̄ pręd' A.B. et E. concess. teñt̄ præd' cum pertiñ præf. C. D. et assigñ suis. Et illa in ead' cur̄ præf. C.D. reddider̄. Habend' et tenend' eidẽ C. D. a festo Pentec' q̄ erit in anno dñi 1597. vsq; finem termini viginti vnius annorũ extũc prox' sequeñ & plenar̄ complend: Reddend' inde annuatim pręf. A.B. et E. et hered' ipsius E. septem B

libr̄,

libr̄, legalis monetę &c. ad festa S. Martini Episcopi in hyeme N.A.P. equis porcionibus annuatim durante termino præd' soluend'. Et pro hac &c.

SECTIO 98.

¶ *A lease to diuerse for an hundred yeres, if the parties liue so long reseruing a Rent, & the best Beast after the death of euerie tenant in name of an Heriot.*

A Lond. ¶ PRęc' I.R. arm̄ et M. vxori eius et T. B. quod teñ R.C. et V.C. conuenc' de vno mesuagio &c.

B ¶ Et est concordia talis, scilicet, quod præd' I.M. et T. recog' teneñt̄ pręd' cum pertinent̄ esse ius ipsius V. vt ill' &c. cū relaxatione et warrātia. Et pro hac &c. ijdem R. et V. concesser̄ pręf. T.B. pręd' teneñta cum pertin'. Et ill' ei reddider̄ in eadem cur̄. Habend' et tenend' eidem T. et assig' suis, a festo Natalis domini prox' futur̄, vsq; ad finem termini nonaginta annorum tunc proxim̄ sequen' et plenar̄ complend', si ijdem T. et I. vxor eius, B.B. et T.B. filij ipsius T. tam diu vixerint,

C aut eorum aliquis tam diu vixerit. * Reddend' inde annuatim pręd' R. et V. et hęred' ipsius V. quatuor libr̄ legalis monetę Angl' ad festa Annunciationis beatę Marię Virginis, Natiuit̄ S. Io. Bapt̄, sancti Mich. Archangeli, et Natiuitatis domini, per equales porciones annuatim soluend' toto termino prędict', ac soluend̄ post decessum T.B. patris, & post decessum cuiuslibet inde tenentis suum optimum animal

D nomine heriot̄. * Et si contingat pręd' redd' 4. li. aretro fore in ꝑte vel in toto post aliq; festū festorū pręd' quo vt pręfertur solui debeat non solut̄, aut si contingat pręd' optimū animal nomine heriot̄ vt pręfertur soluend' post decessū cuiusli-

E bet tenentiū p̄missorū fore insolut̄ aut substract', * Quod tunc bene licebit pręd' R. et V. et hered' ipsius R. in prędict' tenementa cum pertinentijs intrare et distringere, districtionesque sic ibidem capt̄ et habit̄ licite abducere, asportare, et effugare, et penes se retinere, quousque de prędict' redd' 4. li. et arrerag. eiusdem, si que fuer̄, vna cum optimo animal' p̄dict̄

quando contigerit plenarie fuerint satisfact' & persolut. *Cōcesser etiam prædict' R. et V. prædict I. & M. reuersionem tenementorum prædictorum cum pertinentijs & prædictum reddit iiij. li. ac prædict' reddit' optimi animalis nomine heriotti superius reseruat. Et ill' eis reddider in eadem cur, Habend' & tenend' eisdem I. & M. & hered' ipsius I. & M. et hered' ipsius I. de capit dominis feod' ill' inperpetuum &c.

SECTIO. 99.

¶ *A Lease reseruing rent, with a Nomine pene, and a distresse.*

Middles. PRæcipe E. P. armig' et M. vxori eius & R. B. quod teneant I. R. & T. S. coñ de vno messuag' &c. A

¶ Et est Concordia talis scilicet quod prædict E. P. & M. & R. B. recogñ tenementa prædicta cum pertiñesse ius ipsius I. vt ill' quæ idem I. & T. habent de dono prædictor E. M. et R. (cum relax' & warr.) Et pro hac &c. ijdem I. & T. concess. præfat R. tenementa prædict' cum pertineñ. Et ill' ei reddid' in eadem cur. Habend' et tenend' eidem R. A festo Sancti Mich. vltimo præterito pro termino trigint & vnius annorum extunc prox' sequeñ & plenar complend'. * Reddend' inde annuatim prædict' I. & T. et hered' ipsius I. xx. li. legalis monete Anglię ad duos anni terminos, videlicet ad festum Annunciationis beatæ Mariæ virginis & Sancti Michaelis Archang' per equales porciones annuatim soluend' toto termino prædicto. * Et si contingat prædict reddit xx. li. aut aliquam inde parcellam aretro fore in parte vel in toto post aliquod festum festorum prædictorum quo vt præfertur solui debeat nō solut' per spac' quadraginta dierum, quod tunc forisfaciet prædictus R. prædictis I. et T. et hered' ipsius I. v. li. nomine pęnę & quod tunc et toties bene licebit prædict' I. et T. et hered ipsius I. in prædicta tenementa cū pertinentijs intrare & distringere districtionesque sic ibidē capt & habit licite abducere asportare effugare ac penes se re-

B C D

tinere

tinere quousque tam de prædict' xx.li. quam de præd' quinque libr̃ nomine penæ, vt pręsertur fouisfact̃ cum arreragijs
E earum (si quę fuerint) plenar̃ fuer̃ satisfact̃ & persolut̃. * Cōcesser̃ etiam prædict' I.& T.prædictis E. & M. prædict' tenementa cum pertinentijs ac prædict' reddit̃ xx.li. superinde reseruat' ac prædictam summ̃ quinque librarum nomin̄ penę. Et ill' eis reddider' in eadem cur̃. Habendum et tenendum eisdem E.et M.et hered' de corpore ipsius E. legitime procreat̃, Tenend' &c.& pro defectu talis exit̃ remañ inde W. W.et heredibus suis inperpetuum. Tenend' &c.

SECTIO 100.

¶ *A Fine vpon Graunt and Render, to one for terme of life without impeachment of wast, and for sixteene yeres after his death, then the one moitie to one and his heires, anh thother to an other.*

A Ebor̃. PRæc' E.A. vid' nuper vxori W.A. mil' defūct' quod teñ T. F.coñ de medietate manerij de H.&c.

B ¶ Et est concordia talis scilicet quod cum E. A. recogñ &c.Et pro hac &c.idem T.F.concessit pręfat̃ E.A.medietatem prædictam cum pertineñ,& ill' ei reddidit in eadem cur̃. Habend' et tenend' prædict' medietatem Manerij &c. præd' E A.pro termino vitæ suæ ipsius E.absque impetitione alicuius vasti de capitalibus dñis feodi illius per seruitia quę ad pręd̃ict' medietatem pertinent tota vita ipsius E.& pro termino sexdecim annorum extunc prox' sequeñ post mortem pręd' E.Et post mortem pęrdictę E.& post pręd' termiñ sexdecim annorum finitum & determinat̃ quod tunc vna medietas pręd̃ict' medietatis manerij præd' &c.cum pertinentijs remañ B. G.modo vxori G ar̃ & hered' ipsius B. Tenend' de &c. Ac altera medietas pręd' medietatis manerij &c. præd' cum pertiñ remañ E.G.modo vxori N.G.et hered' ipsius E. Tenend' de capitalibus &c.

Sectio 101.

SECTIO 101

¶ *A Render for life the remainder to one, and his heires males the remainder to another and his heires.*

Eſſex. pRæc' N. A. & W. A. quod teñ. R. C. & T. C. A
coñ de iij. meſſ.

¶ Et pro hac &c. ijdem R. & R. conceſſer præf. W. tene- B
menta prædict' cum pertiñ & ill' ei reddider in ead' cur'. Habend' & tenend' eidē W. & aſſignō ſuis. Tenend' de capitalibus dñis feodi illius per ſeruitia quæ ad prædict' tenemēta cum pertiñ pertinent, tota vita ipſius W. Et poſt deceſſum ipſius W. eadem tenementa cum pertiñ integre remanebunt I. C. & hæredibus maſculis de corpore ipſius I. legitime procreat. Tenend' &c. Et ſi nullus heres ſit de corpore ipſius I. legitime procreat, tunc eadem tenementa cum pertineñ integre remañ I. C. fratri p̄dicti I. & hæredibus ſuis in- A
perpetuum. Tenend' &c.

SECTIO 102.

¶ *A leaſe for life, the remainder for life to the wife in Iointure the remainder in taile.*

ET eſt Concordia talis &c. Et poſt deceſſum ipſius I. præd' A
&c. cū pertiñ integre remanebūt I. W. filiæ I. W. nomine iūcturæ, quam (deo dante) idem I. C. ducet in vxorem. Tenend' de capitalibus, &c. tota vita ipſius Ia. & poſt deceſ ipſi' Ia. p̄d' &c. cū pertiñ integ' remaneb. hæred' maſculis de corpore p̄d' I. C. legitime ꝓcreat. Tenēd' de capitalib' dñis. &c.

SECTIO 103.

¶ *A fine where the husband buyeth lands and graunteth them againe to the Conisors for his wiues life.*

Eboꝝ pRæc' T. C. aī W. R. aī T. P. ar & L. B ge. cp &c. teñ I. A
D. & E. vxori eius conuenc de manerijs de C. N. & B. cum pertiñ ac' de ducentis Meſſ. &c. & de x. li. redd' cum pertiñ in C. N. & B. Et niſi &c.

¶ Et

B ¶ Et eſt Concordia talis, ſcilicet quod prædicti T.C.W.T. P. & L. recogñ Maneria, tenementa & reddit prædict' cum pertiñ eſſe ius ipſius I. & ill' remiſer & quiet clam de ſe & hæredibus ſuis præf. I. & E. & hæredibus ipſius I. inperpetuum. Et pro hac &c. ijdem I. & E. conceſſer prædictis T.C.W.T. P. & L. prædicta maneria, tenementa & reddit cum pertinentijs & ill' eis reddid' in eadem curia. Habendum & tenendum eiſdem T.C.W.T.P & L tota vita ipſius E. & prædict' I. & hæredes ſui warr prædictis T.C.W.T.P & L. prædicta maneria tenementa & redd' cum pertiñ ſicut dictum eſt contra omnes homines duran vita prædict. E. &c.

SECTIO 104.

¶ *A Concord of diuers tenements, rentes, a rectorie, and aduowſon with the moity of a Mille.*

A HÆC eſt finalis Concordia facta in Curia dominæ Reginæ apud W. a die P. in quindecim dies, Anno regni Elizab. dei gratia A.F. & H. Reginæ fidei defenſoris &c. a conqueſtu viceſimo quarto coram E.A.T.M.F.W.W.P. Iuſtic' & alijs dominæ Reg. fidelibus tunc ibi præſentibus inter I.B. geñ & R.C. generoſ. quærent & R.C. ſeniorem armiger, & R.C de Graies Inne in comitatu Midd' gener deforc' de centum meſſuagijs, centum cotagijs, duobus millibus acr terræ, mille acris prati, duobus millibus acr paſturæ, centum acris boſci, mille acris iampnorum & bruer, & centum ſolidis reddit cū pertiñ in &c. Necnon de rectoria de K. cum pertinentijs, Ac de aduocatione eccleſiæ de K. vnde placitum conuenc' fuit inter eos in eadem Curia, ſcilicet, quod prædict. R. & R. recognouerunt prædicta tenementa redditus, & rectoriam cum pertinentijs, ac aduocationem prædictam eſſe ius ipſius I. vt illa quæ ijdem I. & R. habent de dono prædictorum R. & R. & illa remiſerunt & quiet clam de ipſis R. & hæredibus ſuis prædict' I. & R. & hæred ipſius I. in
B perpetuum. * Et præterea ijdem R. & R. conceſſerunt pro ſe & hæredibus ipſius R. C. ſenioris quod ipſi warr

præ-

prædictis I. & R. & hæredibus ipſius I prædict' tenementa, reddit', & rectoriam cum pertinentijs ac aduocationem prædict' contra prædict' R. & R. & hæred' ipſius R. C. ſenioris inperpetuum. * Et pro hac recogñ, remiſſione, quiet' clam̃, warrant', fine & concordia ijdem I. & R. dederunt prædictis R. & R. duo mille li. ſterlingorum.

SECTIO 105.

¶ A fine of a fowrth part to two.

HÆC eſt finalis concordia facta in Cur̃ dominæ Reg. a- A
pud Weſtm̃ in Octab. Sancti Mich. Anno regñ Elliz. dei gratia Angl' Franc' & Hiberñ Reg. fidei defenſ. &c. a conqueſtu 36. coram E. A. T. W R. W. & T. L Iuſtic' & alijs dominæ Reginæ fidelibus tunc ibid' præſentibus iuter G. I. & W. W. quer̃ & I. C. & I. vxorem deforc' de quarta parte 2 meſſuagiorum, 4 toftor̃, 2 gardiñor̃, 2 pomar̃, ducent' acr̃ terr̃, 20. acr̃ prati, 40 acr̃ paſturę, 12. acr̃ boſci, & 100. acrar̃ more cũ pertiñ in G. & I. in quatuor partes diuiſ. vnde placitum conuentionis ſumm̃ fuit inter eos in ead Curia. Scilicet quod prædict' I. & I. recogñ prædictam quartam partem cum pertineñ eſſe ius ipſius G. vt illam quam ijdem G. & W. habent de dono prædict' I. & I. Et illam remiſ. & q̃et clam̃ de ipſis I. & I. Et hæred' ipſius I. prædictis G. & W. & hæred' ipſius G. inperpetuum. Et præterea ijdem Io. & Ia. conceſſerunt pro ſe & hæred' ipſius Ia. quod ipſi warrant' prædict' G. & W. & hæred' ipſius G. prædict' quart̃ partem cum pertiñ contra prædict' I. & I. & hæred' ipſius Ia. inperpetuum. * Et pro hac recogñ &c. ijdem G. & W. conceſſe- B
runt prædictis I. & I. prædictam quartam partem cum pertiñ. Et illam eis redider in ead' Curia. Habend' & tenend' eiſdem I. & I. de capitalibus Dominis feodi illius per ſeruic' quæ ad prædictam quartam partem pertinent tota vita ipſorum I & I & eorũ alterius diutius viuen̄ abſq; impetitione alicuius vaſti Et poſt deceſſum ipſorum I. & I. prædict' quarta pars cum pertiñ integre remañ B. C filio prædictorũ

I &

I. & I & hæred' de corpore ipſius B legitim̃ procreat'. Tenend' de capital' dominis feod' ill' &c. inperpetuum.

C * Et ſi contingat quod idem B. obierit ſine hæred de corpore ſuo legitime procreat', tunc poſt deceſſum ipſius B. prædicta quarta pars cum pertineñ integre remañ P. C. al' fil' prędict' I. & I. & hæred' de corpore &c. Tenend' de ca-

D pitalibus &c. inperpetuum. * Et ſi contingat quod idem P. obierit &c. tunc poſt deceſſum ipſius P. prædicta quarta pars integre remañ R. C. al' fil' prædictorum I. & I. & hæred' de corpore &c. Tenend' de capitalibus &c. inperpetuum. Et ſi contingat quod idem R. obierit &c. tunc poſt deceſſum ipſius R. prædict' quarta pars cum pertiñ integre remañ rectis hæred prædict' Ia. Tenend' de capital' dñis feod' illius per ſeruitia quæ ad prędict' quartam part' pertinent inperpetuum, &c.

SECTIO 106.

¶ A fine of lands part in poſſeſſion, and part in reuerſion of a third part for terme of the life of the tenant in Dower, and for terme of the life of another tenant for terme of life.

A **Ebor. M.** pRæc' I. W. & A. vxori eius quod iuſte &c. teñ I. E. &c. E. E. coñ de vno meſſ. &c. necnon de tertia parte in tres partes diuidend' quatuor meſſ. cum pertiñ.

B ¶ Et eſt concordia talis ſcilicet quod prædict' I. & A. recogñ tenem enta prædicta, ac tertiam partem prædict' cum pertinentijs eſſe ius ipſius I. de quibus ijdem I. E. E. E. habeant vnum meſſ. cum pertiñ in prædictis vill' de T. & B. parcell' tenementorum prædictorum ac prædictam tertiam partem quatuor meſſ. &c. cum pertinentijs in T. & B. parcell' tenementorum prędictorum de dono prędictor I. & A. & ill' remiſer & quiet clamauer de ipſis I. & A. & hæredibus ſuis præfatis I. E. & E. E. & hæredibus ipſius I. inperpetuum.

Et

Et concesser pro se & hæred' ipsius A. quod viginti acræ terr' sex acr' prati &c. cum pertineñ in præd' villa de B. parcell' tenementor' & terr' pars præd' quæ I. A. & E. vxor eius tenent ad terminum vitæ ipsius E. de hæredit' præd' A die quo hæc concordia facta fuit. Et quæ post decess. ipsius E. ad prædict' I. A. & heredes suos debuer' reuert' post decess. ipsius A. integre remaneant præd' I. & E. & E E & hæred' ipsius I. in perpetuum. * Concesser etiam prædicti I. W. & A. pro C se & hæred' ipsius A. quod vnum mess. cum pertinentijs in prædict' vill' de B. residuum tenementorum prædict' quæ I. A. tenet ad terminum vitæ suæ de hereditate prædict' A. die quo hæc concordia facta fuit, post decessum ipsius A. integre remaneat prædictis I. E. & E. & hæred' ipsius E. imperpetuum.

SECTIO 107.

¶ *Grant and render of a reuersion of a moity.*

Cyrographum. PRæc' N. G. & E. vxori eius W. G. & B. vxori eius A quod ten' F. A. conuenc' de medietate manerij de H. cum pertineñ &c.

¶ Et est concordia talis scilicet quod cum E. A. vidua nuper vxor W. A. defunct' habet & tenet prædictam medietatem manerij de H. cum pertinentijs. Ac prædictam medietatem tenementorum et piscarie prædict' cum pertin' ad terminum vitæ suæ absque impetitione alicuius vasti. * Et C quod post mortem eiusdem C. prædicta medietas manerij tenementorum & piscarie predictorum remaneant executor' testamenti eiusdem E. ad terminum sexdecem annorum tunc proxim' sequen' post mortem ipsius E. absque impetitione vasti, & quæ post mortem prædictæ E. A. ad terminum predictorum sexdecem annorum ad N. G. & E. vxor' eius, & W. G. & B. vxor' eius, & hæred' dictor' E. & B. reuertere deberent. Prædict' W. G. & B. vxor' eius N. G. & E. vxor' eius concedunt quod dictæ medietates dictorum maneriorum tenementor' & piscarie cum pertin' post mortem prædictæ E. A.

E.A.& post præd' termiñ xvj. annorum finitum & determi-
D nat̃ integre remaneant præfato F.A. & hæredibus suis * Te-
nend' de capital' dominis feod' ill' per seruitia, quæ ad præd'
medietates dictorũ manerij, teneñt' & piscarie cũ pertinẽtijs
ꝑtinent. Et ill' remis. & quiet̃ clamar̃ de ipsis W.G.& B. vx-
ot̃ eius N.G.& E.vxori eius & hæred' suis præfat̃ F.A.& hæ-
E red' suis in ꝑpetuum. *Et præterea ijdem W.G.& B.N.G.&
E. concesser' pro se & hæred' ipsius N. quod ipsi warrant̃
præd' reuersionem medietatis dictorum manerij tenemento-
rum & piscarie cum pertiñ præfat̃ F.A. & hæred' suis con-
tra ipsos W.G.& B.N.G.& E. & hæredes suos in ꝑpetuum.
Et pro hac &c idem F.concessit præfat̃ W.G.& B.N.G. &
E.prædict' reuersionem medietatis manerij, tenementorum,
& piscar̃ prædict' cum pertineñ. Et ill' eis reddider̃ in eadem
F cur̃. * Habend' & tenend' eandem reuersionem medieta-
tis manerij, tenementorum & piscariæ prædict' cum per-
tineñ dictis W.G.& B.N.G.& E.a festo Apost' Phil' & Ia-
cob, quod tunc prox.erit post finem dictorum sexdecem
annorum, vsque ad finem & terminum xxj.annorum extunc
proxim̃ sequeñ & plenarie complend' absque impetitione a-
licuius vasti.

SECTIO 108.

¶ A Render to the Cognisor for one weeke, after to a stranger for life, & to his wife for life, if shee keepe her vnmarried, the reuersion to another stranger and his heires of his body vpon M. his wife begotten, the Remainder to another and his heires.

A Chor̃. ¶ ꝑRæcipe I. W.& E. vxori eius, quod teñ W.M. &
O. S.conuenc' de duobus messuag' &c.in S. Et
nisi &c.

B ¶ Et pro hac &c. ijdem W. & O. concesser̃ præfato I.
tenement̃ prædict' cum pertineñ. Et ill' ei reddider̃ in eadem
curia. Habend & tenend' eidem I. pro termino vnius sep-
timanæ. Et post terminum illum finitum, prædict' tenement̃
cum

cum pertineñ integre remanebunt B. Habendum & tenend' eidem B. de capitalibus dominis feodi illius per seruitia quæ ad præd' teñ pertinent, tota vita ipsius B. Et post decessum ipsius B. prædict' tenementa cum pertineñ integre remañ I. vxori prędicti B. * Tenend' &c. tota vita ipsius I. si eadem C
I. tam diu sola & innupta vixerit. Et post decessum siue spõsalia ipsius I. si quæ fuerint, prædict' tenemenť cum pertiñ integre remañ E. W. filio & hæredi apparenti prędict' I. & A
hæred de corpore ipsius E. de corpore M. vxoris eius inter eos legitime procreat. Tenend' &c. Et si contingat quod B
idem E. obierit sine hærede de corpoř suo de corpore præd' M. inter eos legitime procreat, tunc post decessum ipsorũ E. & M. tenementa prædict' cum pertinentijs integre remañ prædicto I. & hæredibus suis. Tenend' &c inperpetuum.

SECTIO 109.

¶ *A fine of two reuersions.*

Chor. ¶ pRæcipe R. N. & A. vxori eius. quod teñ G. E. A
conuenc' &c. de duobus messuag', vno cotag' &c. in N.

¶ Et est concordia talis, scilicet, quod prædict' R. & A. B
recogñ tenementa prædict' cum pertinentijs esse ius ipsius G. & concess. pro se & hæredibus ipsius R. quod prædict' A
cotagium, viginti acræ terræ, decem acř prati &c. parcell' tenementorum prædictorum cum pertinentijs in N. prædict', quæ W. B. & A. vxor eius tenent ad terminum vitæ B
ipsius A. de hęreditate prædict' R. die quo hæc concordia facta fuit, & quæ post decessum ipsius A. ad prædicť R. & hæredes suos debuerunt reuerť integre post decessum ipsius A. ad prædictum G. & hæredes suos remaneant. Tenend' &c. * Concesserť etiam prædicti R. & A. quod prædict' 2 mess. C
&c. residua tenementorum prædictorum cum pertiñ in N. prædict, quæ W. P. & D. vxor eius tenent ad terminum vitæ ipsius D. de hæreditate &c. (vt antea) Et præterea prædicti R. & A. & hæred' ipsius R. warranť tenementa prædicta cũ perti-

pertinentijs præfato G. & hæredibus ſuis ſicut dictum eſt, contra prædictos R. & A. & hæredes ipſius R. inperpetuum. Et pro hac &c.

SECTIO. IIO.

¶ *A graunt to the Cogniſee and his wife, and the heires of their two bodies with warrantie in taile.*

A Ebor. ff. pRæcipe H.F. geñ, qp iuſte &c. teñ H.W. & I. vxori eius conuen' &c. de teñtis in S. Et niſi &c.

B ¶ Et eſt concordia talis, ſcz. quod prædict' H.F. conceſſit tenemenť & reddiť prædict' cum pertiñ præf. H.W. & I. Et ill' eis reddidit in eadem cur'. Habend' & tenend' eiſdem H.W. & I. & hæred' de corpoř ipſorum H.W. & I. inter eos legitime procreať, Tedend' &c. Et prædictus H.F. & hæredes ſui warranť præfatis H.W. & I. & hæred' de corpoř ipſorū H.W. & I. inter eos legitime procreať tenemenť præd' ſicut dictum eſt, contra omnes homines inperpetuum. Et pro hac &c.

SECTIO. III.

¶ *A Graunt with a render backe againe for life, with Remainders in taile dividing the landes.*

A Heref. ff. pRæcipe N. B. & A. vxoř eius, quod teñ T. R. & R.G. conuenc' &c. de vno meſſuag' cum pertijs in E. &c.

B ¶ Et eſt concordia talis, ſcilicet, qp præd' &c. cum relaxac' & warranť &c. Et pro hac &c. ijdem T. & R. conceſſ. præfato N. & A. tenemenť prædict' cum pertiñ. Et ill' eis reddideř in eadem cur'. Habend' eiſdem N. & A. tota vita ipſorum N. & A. & alterius eorum diutius viuenť, abſque impetitione vaſti tota vita ipſius A. Tenend' &c. Et poſt deceſſum ipſorum N. & A. viuum meſſuagium &c. cum pertineñ in E. præd' de tenementis prædict' parcell', remañ T.B. vni filiorū prædictorum N. & A. & hæred' maſculis de corpore prædict' T. legitime procreať, & tunc poſt deceſſum ipſius T. præd'

tenemenť de prædict' tenementis parcell' integre remañ I.B. alteri filiorum præd' N.& A. & hæred' masculi de corpore ipsius I. legitime procreať. Tenend' &c. Et si contingat &c. post decessum ipsius I. prædict' tenemenť de prædict' tenementis parcell' integre remañ B. F. alteri filio prædict' A. & hæred' masculi de corpore prædict' B. legite procreať. Tenend' &c. Et si contingat &c. quod tunc tenementa prædict' remañ (to diuers others) & rectis hæredibus prædict' A. inperpetuũ. Tenend' &c. Et ꝑterea præf. T. & R. concessi. ꝙ post decess. ꝑdict N.B. & A. vxor eius 44 acr terr, duæ acr prati &c. cum pertinen in B. prædict' de prædictis tenementis residua integre remanebũt præd' B, F. & hæred' de corpore suo legitime ꝓcreať. Tenend' &c. Et si contingat quod idem B. obierit sine hærede de corpore suo legitime procreať, quod tunc post decessum ipsius B. prædicti tenementa residua integre remañ præfat T. F. hæredibus & assignatis suis inperpetuum.

SECTIO 112.

¶ *A fine to intaile landes to the heires of one deceased.*

Leicest. ff. ꝑ Præcipe I. C. armig' quod ten M. C. viduæ conuenc' de iij. messuag' &c. A

¶ Et est concordia talis, scilicet, quod prædict' I. concessit prædict' M. prædict' tenemenť cum pertinentijs, Et ill' ei reddidit in eadẽ curia. Habend' & tenend' eidẽ M. & hæred' de corpore ipsius M. de corpore I. C. nuper viri sui defuncti legitime procreať, de capitẽ &c. Et si contingat quod eadem M. obierit sine hærede de corpore suo, de corpore ipsius I. C legitime procreať, tunc post decessum ipsius M. prædict' tenemenť cum pertinentijs integre remaneant rectis hæredibus ipsius I. C. defuncti Tenend' &c. & præd' I. C. armiger & hæredes sui warranť prædict' M. & hæredibus de corpore suo de corpore prædicti. I. C. defuncti, ac etiam rectis hæredibus ipsius I. C. si eadem M. obierit sine hærede de corpore suo de B

corpore

corpore ipsius I. C. defuncti licite procreat, prædict' tenementa cum pertinentijs, (sicut dictum est,) contra prædictum I. C. armiger & hæredes suos inperpetuum. Et pro hac &c.

SECTIO. 113.

¶ *A graunt to the Cognisee for life of the tenant for life, with warrantie, a Render to the Cognisor for his wiues life, to conuey her title to her husband.*

A Warw. ss. PRæcipe T. Duci N. & M. vxori eius, quod teñ T. T. armig' conuenc' &c. de tenementis in W. Et nisi &c.

B ¶ Et est concordia talis, scilicet, quod prædict' Dux & M. concess. prædict' T. T. tenementa prædict' cum pertineñ, & quicquid idem Dux & M. habent in tenementis prædictis cum pertinentijs, ad terminum vitæ ipsius M. Et ill' ei reddider' in eadem curia. Habend' & tenend' eidem T. T. & hæredibus suis de capitalibus dominis feodi illius per seruitia quæ ad eadem tenementa cum pertiñ pertinent tota vita ipsius M. Et præterea ijdem T. & M. concess. pro se, quod ipsi warrant prædict' T. T. & hæredibus suis teñta prædict' cum pertiñ cõtra omnes homines tota vita ipsius M. Et pro hac &c. idem T. T. concessit tenementa prædict' cum pertinentijs præfato Duci. Et ill' ei reddidit in eadem curia: Habend' & tenend' eadem tenementa cum pertiñ eidem Duci & hered' suis tota vita prædict' M. tenend' vt supra.

SECTIO. 114.

¶ *A Concord of a moity of diuers thinges in possession and of a Reuersion in fee.*

A HÆC est finalis concordia fact' in Curia dominæ Reginæ apud Westmonast' in crastino sanctæ Trinitatis, anno regni Elizab' Dei gratia Angliæ, Franc', & Hiberñ, Reginæ fidei defens. &c. a conquestu tricesimo secundo, coram E. A. &c. Iustic', & alijs dominæ Reginæ fidelibus tunc ibi præsentibus,

inter A. M. & L. H. quer', & T. N. & I. vxorem eius, vnam consanguinearum & hæredū R. E. deforc', de medietate maneriorum de W. & R. cum pertinentijs, ac de medietate octoginta messuag', 40. acr' terræ, 300. acr' prati, 50. acr' pastur', 100. acrarum bosci, 30 acr' iampnorum & bruere, 160 acrarum more, 200. acr' marisci, & viginti solidor' redditus cum pertinentijs in W. R. W. P. T. &c. Necnon de aduocationibus medietat' Ecclesiarum de E. W. P. & R. ac etiam de aduocatione medietat' Monasterij siue Prioratus de L. vnde placitum conuentionis summ fuit inter eos. in eadem curia. Scilicet quod prædict' T. & I. recogñ prædictas medietates cum pertinentijs, ac aduocationes prædictas esse ius ipsius A. de quibus ijdem A. & L. habent de dono medietatem prædict' manerij de R. cum pertinentijs. Necnon medietatem octoginta messuag' 160. acr' terræ, 100. acr' prati, 300. acr' pasturæ, 80. acr' bosci, 200. acr' iampnorum & bruere, 140. acr' marisci, 100. acr' moræ, & sex solid' & sex denar' reddit' cum pertinentijs in R. T. H. &c. ac etiam aduocationem medietatis Ecclesiæ de R. ac aduocationem medietatis Monasterij siue Prioratus de L. parcellis medietatis maneriorum, tenementorum, reddituum, & aduocat' prædictar' de dono prædictorum T. & I. * Et ill' remiser' & quietec B
clam de ipsis T. & I. & hær' ipsius I. prædictis A. & L. & hered. ipsius A. inperpetuum. Et preterea ijdem T. & I. concesserunt pro se & hæredibus ipsius I. quod medietas manerij de W. ac medietas 30 messuagior 150. acrarum terræ, centum acrarum prati &c. cum pertineniijs in W. P. E. & W. prædict', ac aduocationes medietatis Ecclesiarum de P. E. & W. prædict', resid' medietatis maneriorum, tenementorum, reddituum, & aduocatiõ prædict', quæ E. E. tenet ad terminum vitæ suæ de hæreditate prædictæ I. die quo hæc concordia facta fuit, & quæ post decessum ipsius E. E. ad præd' T. & I. & hered' ipsius I. debuerunt reuert', post decess. ipsius E. E. integre remaneant prædictis A. & L. & hær-red' ipsius A. * Tenend' simul cum prædict' medietate & ad- C

uocatione

uocationes quæ eis per finem iſtum remanent de capitalibus dominis feodi illius, per ſeruitia quæ ad illas medietates & aduocat' pertinent inperpetuum. Et prædicti T. & I. & hæred' ipſius I. warrant' prædict' A. & L. & hæred' ipſius A. prędictas medietates cum pertinentijs, ac aduocationes prædictas ſicut præd' eſt, contra oñes homines inperpetuum. ✶ Et pro hac recognitione, remiſſione, quieta clamatiõ, warrant' fine & concordia, ijdem A. & L. conceſſerunt prædictis T. & I. prædict' medietatem manerij de R. & medietatem prædictorum tenementorum cum pertinẽtijs in R. T. H. &c. prædict'. Necnon aduocationem medietatis eccleſiæ de R. prædict', ac aduocationem medietatis Monaſterij ſiue Prioratus de L. prædict'. Et illãs eis reddiderunt in eadem curia. Habend' & tenend' eiſdem T. & I. & hæred' ipſius I. de capitalibus dominis feodi illius, per ſeruitia quæ ad illas medietates & aduocaciones pertinent inperpetuum. ✶ Et conceſſerunt etiam præd' A. & L. prædict' medietatem manerij de W. cum pertineñ, ac prædict' medietatem tenement' cum pertineñ in W. P. E. &c. prædict' præfat' T. & I. Et illas etiam reddiderunt in eadem Curia. Habend' & tenend' immediate poſt mortẽ præd' E. E. eiſdem T. & I. & hæred' ipſius I. de capitalibus dominis feodi illius, per ſeruitia quæ ad illam medietatem & aduocationem pertinent inperpetuum.

D

E

SECTIO. 115.

¶ A graunt of landes by fine to two, who render to the Conuſor in taile, the Remainder to the Queenes maeſtie and her ſucceſſors.

A ET eſt concordia &c. quod prædict' A. recogñ tenement' prædict' cum pertineñ eſſe ius ipſius I. vt ill' quæ idem I. & D. habent de dono prædict' A. Et ill' remiſit &c. Et pro hac &c. ijdem I. & D. conceſſer' præfat' A. tenement' prædict' cum pertiñ. Et ill' ei redd' in eadem curia. Habend' & tenẽd' eidem A. & hæred' de corpore ipſius A. legitime procreat', & pro defectu talis exitus tunc tenement' prædict' cum

pertineñ integre remaneant hæred' de corpore R. T. alij prædict' A. & hæred' de corpore eorum legitime procreat'. Et pro defectu talis exit', tunc tenement' prædict' cum pertineñ remaneant dominæ Elizabethæ nunc Reginæ Angliæ, Franciæ, & Hiberniæ, hæred' & ſucceſſoribus ſuis inperpetuum. &c.

SECTIO 116.

¶ *A graunt of landes in taile to be holden of the grauntor in ſocage.*

Eſſex, ſs. PRæcipe S. B. armig', quod teñ W. S. conuenc' de iij. meſſuag' &c. cum pertinentijs in C. Et niſi &c. A

¶ Et eſt concordia talis, ſcilicet, quod prædict' S. conceſſit præfato W. tenemẽta præd' cũ pertineñ, Et ill' ei reddidit in eadem cur'. Habend' & tenend' eidem W. & hæred' de corpore ſuo legitime procreat' de præd' S. & hæred' ſuis in Socagio per fidelitatem tantum pro omnibus ſeruitijs & demandis quæ ad prædict' tenementa pertinent inperpetuum. Et ſi contingat quod idem W. obier' ſine hæred' de corpor' ſuo legitime procreat', tunc poſt deceſſum ipſius W. tenement' prædict' cum pertineñ integre remanebunt I. S. auo prædict' W. & hæred' de corpore ipſius I. legitime procr'. Tenend' (vt antea.) Et ſi nullus hæres de corpore ipſius I. fuer' legitime procr' tunc prædicta tenementa cum pertinentijs integre reuertent ad prædict' S. & hæredes ſuos quiet' de al' hæred' prædictorum W. & I. tenend' de capit' &c. Et præterea prædictus S. & hæredes ſui warrant' prædict' W. & hæred' de corpore ſuo legitime procreat' & prędicto I. & hæred' de corpore ſuo legitime procreat' ſi idem W. obierit ſine hærede de corpore ſuo legitime procr' prædicta tenementa cum pertinentijs (ſicut dictum eſt) contra omnes homines inperpetuum. Et pro hac &c. B

SECTIO 117.

¶ Graunt of landes in taile to be holden of the graunter by ſuit of court and vi. s. rent.

A Eſſex. ff. PRæc' I. G. geñ quod teñ P. I. coñ de ſexdecim acr' morę cum pertiñ in K. Et niſi &c.

B ¶ Et eſt concordia talis ſcilicet quod prædict' I. conceſſit præfat' P. tenementa prædict' cum pertinentijs. Et ill' ei reddidit in eadem cur'. Habend' & tenend' tenementa prædicta cum pertinentijs præfat' P. & hæredibus de corpore ſuo legitime procreat'. Tenend' de dicto I. & hæred' ſuis per ſeruicium militare & ſect' cur' ſuæ apud K. bis per annum ac reddend' annuatim præfato I. & hæredibus ſuis vj s. &c. ad feſta &c. per æquales porciones annuatim inperpetuum ſoluend'. Et præd' I. warrant' tenementa prædicta cum pertinentijs prefato P. & hæredibus de corpore ſuo legitime procr' (ſicut dictum eſt) contra prædictum I. & hæredes ſuos inperpetuũ. Et pro hac &c.

SECTIO 118

¶ A fine ſur Releas of Knightes ſeruice, Caſtel gard and murage vpon a writ of cuſtomes and ſeruices.

A HÆC eſt finalis concordia facta in cur' domini Regis apud ---Weſtmoñ a die ſancti Michaelis in xv. dies Anno regni Regis H. filij Regis I. quinquageſimo primo coram G. de P. & R. de M. Iuſtic' & alijs domini Regis fidelibus tunc ibi p̃ſentibus inter W. de P. quer' & H. B. deforc' de conſuetudinibus & ſeruitijs quæ idem W. exegerat de prædicto H. de libero tenemento ſuo quod de prædict' W. tenet in W. & W. ſcilicet de vno feodo militis & dimid' cum pertineñ. Et vnde idem W. exigebat de prædicto H. quod faceret ei ad wardum Caſtri de B. quando euenerit & ad muragium eiuſdem caſtri cum neceſſe eſſet quantum ad prædictum tenementum pertinet. Quæ ſeruitia idē H. ei non cognouit. Et vnde placitum inter eos in eadē curia ſummonit' fuit, ſcilicet quod præd'

W. conceſſit pro ſe & hæred' ſuis quod præd' H. & hæred' ſui & eor tenent de honore de B. ſint quiet de præd' ſeruitijs inppetuũ: ſaluis eidem W. & hæred' ſuis omnib' alijs ſeruic' ad præd' teñt pertiñ. Et pro hac conceſſione, fine & concordia idem H. dedit præd' W. decem & octo marcas Argent, & hæc concordia facta fuit ex aſſenſu & voluntate eiuſdem domini regis eam concedentis. This old fine is in Dier, fol. 179. pl. 46.

SECTIO 119.

¶ *A Fine of a manor in poſſeſſion and other lands in reuerſion.*

Salop. ff. pRæc' W. B. quod teñ F. R. coñ de manerio de R. cum pertiñ &c. A

¶ Et eſt concordia talis ſcilicet quod prædictus W. recogñ B manerium & tenementa prædict' cum pertinentijs eſſe ius ipſius F. de quibus idem F. hab. prædict' manerium cum pertiñ, duo meſſ. &c. cum pertiñ in R. prædict' parcel' teñtor præd' de dono prædicti W. Et ill' remiſ. &c. Et conceſsit pro ſe & hæred' ſuis quod duo meſſ. cum pertiñ in R. prædict' reſidua tenementor prædictor quæ A. B. vidua tenet ad terminum vitæ ſuæ de hæred' &c. poſt deceſſum ipſius A. integre remañ pfato F. R. & hæred' ſuis. Tenend' ſimul cum prædicto manerio & tenement parcell' quæ ei per finem iſtum remañ de capitalibus dominis &c. Et præd' W. B. & hæred' ſui warr præf. F. & hæred' ſuis prædicta manef & tenementa cum pertinentijs ſicut dictum eſt contra omnes homines inperpetuum. Et pro hac &c.

SECTIO. 120.

¶ *A Fine of Lands part in poſſeſſion and part in reuerſion with a render againe to the Cogniſor and their heires.*

Midd. ff. pRæc' T. M. ar & M. vxor eius quod iuſte &c. A teñ &c. A. S. armig' conuenc' de manerio de W.

iuxta

iuxta Y.W.in G. & S. cum pertinentijs. Ac de CCCli.mess.&c. Necnon de aduocatione Ecclesiæ de W.in G. in Com̄ prædicto. Et de manerio de D.cum pertinentijs. Ac de x.mess.&c.& vij s.viij.d̄.ob. redd' cum pertinent̄ in D.in com̄ G. Ac de manerio de S. C. cum pertinen̄, ac de sex mess. &c. cum pertinentijs in S. C. & V. in com̄ D.

B ¶ Et est concordia talis scilicet quod prædicti T. et M. recogn̄ maneria, tenementa, et redd' prædict' cum pertin̄. Ac aduocationem prædict' esse ius ipsius A. de quibus idem A. habet prædicta maneria de W.iuxta Y.W.in D. &c. Ac aduocation̄ præd' in præd' com̄ S. Ac præd' manerium de South C.cum pertinentijs, ac prædicta tenementa cū pertin̄ in South C.& V.præd', in p̄d' com̄ D.parcell' maner̄ tent̄ & redd' prędictorum de dono prædict̄ T.& M. Et ill' remis.&c. Et concesser̄ pro se & hæredibus ipsius M. quod prædictum mane-
C rium de S.prædict' in prædicto comitatu S. * Ac etiam prędictum manerium de D. cum pertinentijs in prædicto com̄ G.residuum maneriorum tenement̄ & reddit̄ prædictorum que F.S.ar̄ & E.vxor eius tenent ad terminum vitæ ipsius E. de hereditate prædict̄ M.die quo hæc concordia facta fuit. Et que post decess.ipsius E. ad prædict' T. & M. & heredes ipsius M. debuer̄ reuertere post decessum ipsius E. integre remanebunt prædicto A. S. & heredibus suis. Tenend' simul cum prædictis manerijs tenementis & redd' quæ ei per finem istum remañ de capital' dominis feod' illius per seruic' quæ
D ad prædicta manerium, tenementa, redd' ac aduocationem pertinent inperpetuum * Et prædicti T. & M. & heredes ipsius M.warrant̄ prædicto A.& heredibus suis prædicta maner̄ tenementa redd' cum pertinentijs ac aduocationem prædictam sicut dictum est contra omnes homines inperpetuū.
E * Et pro hac &c. Idem A. concessit præfatis T. & M. prædict̄ maneria, tenementa, & redd' cum pertinentijs, ac aduocationem prædictam & ill' eis redd' in eadem Cur̄. Habend'

& te-

& tenend' eisdem T. & M. de capitalibus dominis &c. tota vita ipsorum T. & M. & eorum alterius diutius viuen absque impetitione alicuius vasti. Et post decess. ipsorum T. & M. prædicta maneria, tenementa &c. integre remanebunt hæredibus ipsius T. de corporibus ipsorum T. & M. legitime procr, Tenend' &c. * Et si nullus heres ipsius T. de corporibus ipsorum T. & M. fuer legitime procr, tunc prædicta maneria &c. integre remanebunt hered' de corpore ipsius M. legitime procr. Tenend' &c. Et si nullus heres de corpore ipsius M. fuer legitime procr, tunc prædicta maneria &c. integre remañ rectis hæredibus ipsius T. inperpetuum. Tenend' &c. F

SECTIO 121.

¶ *A Fine for a reuersion of a rent.*

Esser. ss. PRæc' &c. quod iuste &c. ten coñ &c. de quadraginta solidis reddit cum pertinentijs exeunt de Manerio de F. ac de sex Messuag' &c. Et nisi &c. A

¶ Et est Concordia talis, scilicet q prædict' I. recogñ prædict redd' cum pertiñ esse ius ipsius R. & concessit pro se & hæredibus suis quod prædict reddit cum pertinentijs quem H. T. & A. vxor eius tenent ad terminum vitæ ipsius A. de prædict I. die quo hec concordia facta fuit exeunt de prædicto Manerio &c. cum pertinentijs quem I. H. miles modo tenet & qui post decessum ipsius A. ad prædict I. F. & hæred' suos debuit reuertere post decessum ipsius A. integre remanebit prædict R. & hered suis inperpetuum. Et præd' I. F. & hered sui warr pred' R. & hæred' suis præd' reddit cum ptinentijs, sicut præd' est, contra I. Abbat Monasterij &c. & successores suos inperpetuum. Et pro hac &c. B

SECTIO 122.

¶ *A Concord of a reuersion of a rent.*

HÆc est finalis concordia facta in curia domini regis apud W. a die P. in xv. dies anno regni E. filij regis E. decimo A

coram

coram W.B.H.S.I.B.& I.M. Iuſtic' domini regis & alijs fidelibus tunc ibi præſentibus inter R.P. quer' & I.B. deforc' de decem marcis reddit' cum pertinentijs in B. quem P.de A. tenet ad terminum vitæ, vnde placitum conuentionis ſummõ fuit inter eos in eadem cur', ſcilicet, quod prædict' I. conceſſit pro ſe & hered' ſuis, quod prædict' reddit' cum pertinentijs quem prædict' P. tenuit ad terminum vitæ ex dimiſſione pd' I. in prædict' villa die quo hæc concordia facta fuit; & qui poſt deceſſum ipſius P. ad prædict' I. & hered' ſuos reuert' debuit, poſt deceſſum ipſius P. integre remaneat prædict' R. & hæred' de corpore ſuo procreat', tenend' de capital' dominis feodi illius per ſeruitia quæ ad prædict' reddit' pertinent inperpetuum. Et ſi contingat quod idem R. obierit ſine hærede de corpore ſuo procreat', tunc poſt deceſſum ipſius R. præd' redd' cum pertinentijs integre remanebit rectis hæredibus ipſius R. tenend' de capital' dominis feodi illius per ſeruitia quę ad prędict' reddit pertinent inperpetuum. Et pro hac conceſsione fine, & Concordia, idem R. dedit præfat' I. centum marc' argenti.

SECTIO 123.

¶ *A Fine of rent ſeruice.*

A Nott. ℔. PRæc' quod iuſte &c. teñ coñ &c. de vndecim ſolis reddit' cum pertiñ in B. Et niſi prius &c.

B ¶ Et eſt concordia talis, ſcilicet, quod præd' E. recogñ prædict' reddit' cum pertinentijs eſſe ius ptædict' W. Et idem E. inſuper conceſſit eid' W. reddit' illum cum pertinentijs ſimul cum homagio & totis ſeruitijs S.F.R.L. & I.D. & hered' ſuorum de tot tenementis quot ipſi ſeperatim de ipſo E. prius tenuerunt in prędict' villa. Habend' & tenend' eid' W. & hered' ſuis de capital dominis feodi illius per ſeruitia quę ad præd' redd' pertinent inperpetuum. Et prędict' E. & hered' ſui prędict' reddit' cum pertiñ ſicut prędict' eſt, præf. W. hered' ſuis contra omnes homines warr' inperpetuum &c.

Sectio 124

SECTIO. 124.

¶ *A Fine where the husband and the wife ſell the wiues Iointure or Dower abſolutely to him in the reuerſion.*

Ebor. ff. PRæc' T.G.armig' & B.vxori eius quod teñ I. A
W.& E.vxori eius conuenc' de quatuor meſ-
ſuagijs &c.

¶ Et eſt concordia talis,ſcilicet, quod cum prædict' T. & B
B. habeant & teneant tenementa prædicta cum pertinentijs
ad terminum vitæ prædict' B. reuerſione inde prædict' E.&
hered' ſuis poſt de ceſſum prædict' B.ſpectañ,ijdem T.& B.
conceſſer præfat' I.& E. tenementa prædicta cum pertiñ, &
totum & quicquid in prædictis tenementis cum pertinentijs
ad terminum vitæ ipſius B. habent,eiſdem I. & E. in eadem
cur' reddider.Habend' & tenend' eiſdem I.& E. & heredibus
ipſius E. durante tota vita ipſius B. de capital' dominis &c. Et
prædicti T. & B. warrañ præfat' I.& E. tenementa prædicta
cum pertinentijs (ſic vt dictum eſt)contra prædictos T.& B.
duranť tota vita ipſius B. Et pro hac &c.

SECTIO. 125.

¶ *Tenant for terme of life maketh a leaſe reſeruing a rent during her life.*

Suff. ff. PRæc' L.H.& D. vxori eius quod teñ B. B. coñ A
de Manerio de S.cum pertiñ ac de ſex Meſſ.
&c.cum pertiñ in S.

¶ Et eſt Concordia talis, ſcilicet,quod præd' L. & D. con- B
ceſſ. Manerium,teñta & redd' cum pertineñ,quæ ijdem L. &
D. tenent ad terminum vitæ ipſius D. reuerſione inde poſt
mortem eiuſdem D.cuidam R.R.& hered' ſuis ſpectañ, præ-
fat' B.B. Habend' ſibi & aſsignĩ ſuis, tota vita eiuſdem D. Et
præterea ijdem L.& D. conceſſer,quod ipſi warr' manerium,
tenementa & redd' prędict' cum pertiñ,præf.B.& aſsignĩ ſuis,
tota vita ipſius D. contra ipſos L. & D. imperpetuum. Et pro
hac &c.idem B. conceſſit præfatis L. & D. quendam annual'
redd'

redd' xl. marc' legalis &c. exeuñ de manerio & tenementis prædictis. Habend' & percipiend' eundem annualem redd' xl. marc' præfatis L. & D. pro termino vitę eiuſdem D. ad feſta &c. per ęquales portiones annuatim ſoluend. Et ſi contingat præd' annual' redd' &c.

SECTIO 126.

¶ *A Fine of a reuerſion.*

A Norff. ff. ꝓRæcipe P. A. quod teñ E. S. coñ &c. de vno meſſuag' &c.

B Et eſt Concordia talis ſcilicet quod prædictus P. recogñ tenementa prædicta cum pertinentijs eſſe ius ipſius E. Et conceſſit pro ſe & heredibus ſuis, quod prædicta tenementa, quæ W. B. & A. vxor eius tenent ad terminum vitæ ipſius A. de, heredĩ ipſius P. die quo hęc concordia facta fuit, & quę poſt deceſſum ipſius A. ad prędict', P. & heredes ſuos debuerunt reuertere, poſt deceſſum ipſius A. integre remanebunt præd' E. S. & heredibus ſuis inperpetuum. Tenend' &c. Et prædict' P. conceſſit pro ſe & heredibus ſuis quod ipſi warr' prædict' tenementa cum pertineñ (ſic vt dictum eſt) contra omnes homines inperpetuum. Et pro hac &c.

SECTIO. 127.

¶ *A Fine in fee farme of a rent graunted out of a Mannor onely.*

A Leiceſt. ff. ꝓRæc' A. C. vid', quod teñ H. C. geñ cõñ de annuo redd' xl. s. exeunt de Manerio de S. cum pertiñ in S. Et niſi &c.

B ¶ Et eſt concordia talis, ſcilicet, quod prædictus A. conceſſit præfato H. prædictum redditum cum pertinentijs, Et ill' ei reddidit in eadẽ cur'. Habend & percipiend' prædictos xl. s. eidem H. & aſſignatis ſuis, ad feſta Annunciationis beatæ Mariæ Virginis, & Sancti Michaelis Archang. per ęquales porciones, annuatim ſoluend', tota vita ipſius H. Et ſi contingat prædict' reddit' xl. s. aretro fore &c. ꝙ tunc bene licebit præ-

præfato H. & aſsignatis ſuis, tota vita ſua; in prædictum manerium cum pertinentijs intrare & diſtringere &c. Et prędict' A. & hæredes ſui warrant' præfato H. & aſsignatis ſuis prædict' reddit' xl.s. cum pertinentijs, ſic vt dictum eſt, contra prædict' A. & hæredes ſuos, tota vita ipſius H. inperpetuum &c. Et pro hac &c.

SECTIO. 123.

¶ *A fine of ſeuerall Rents graunted out of a Manor.*

Staff. ¶. PRæcipe E.B. vid', F.B. genet', R.B. genet', & R. A
B. genet', quod ten' R. G. genet', conuenc' de
manerio de H. cum pertinentijs, Ac de decem meſuagijs &c.

¶ Et eſt concordia talis, ſcilicet, quod prædicti Eliz. Ed. B
Bdw. Ra. & Ric. recognouer' prædicta manerium, tenementa, & reddit' cum pertinentijs, eſſe ius ipſius R. (*cum Releaſe & warrant'.*) Et pro hac &c. idem Rog. conceſſit præfato Edw. quandam annuitatem, ſiue annualem reddit' vj. li. xiij. s. iiij. d. exeunt' de & in manerio & tenementis prædictis cum pertinentijs. Et ill' ei reddid' in eadem cur'. Habend' & percipiend' eundem annualem reddit' vj. li. xiij. s. iiij. d. præfato Edw. & aſsignatis ſuis tota vita ſua, ad feſta Natiuitatis Sancti Ioh. Baptiſtę, & Annunciationis beatę Marię virginis, æquis porcionibus annuatim ſoluend'. Et ſi contingat &c. Conceſſit etiam idem R. quandam annuitatem ſiue annualem reddit' vj. li. xiij. s. iiij. d. (*vt ſuj re cum clauſ. diſtrict'.*) Et vlterius idem R. conceſsit præfato R. quandam aliam annuitatem &c. vj. li. xiij. s. iiij. d. modo & forma prædict'. Et prętera idem R. conceſsit præfatę E. prædict' manerium, tenementa, & reddit' cum pertinentijs. Et ill' ei reddidit in eadem curia. Habend' & tenend' præfat' E. & aſsignatis ſuis tota vita ipſius E. de capitalibus dominis feodi illius &c. Et poſt deceſſum ipſius E. prædict' manerium, tenementa, & reddit' cum pertinentijs integre remañ præfato E. & hæredibus ſuis. Tenend' de capitalibus &c.

Sectio 129

SECTIO. 129.

¶ *Fine of a Rent, with a Nomine penæ of viij. pound for euerie fiue weekes that the Rent is behind.*

A ET pro hac &c. iidem A. & B. conceſſerunt præfatis W. & F. quendam annualem redditum nonaginta libr̃, de prædictis manerijs & tenementis cum pertinentijs. Et ill̃ eis reddiderunt in eadem cur̃. Habend' & percipiend' prædict' annual' reddit̃ nonaginta libr̃, eiſdem W. & F. & hæred' de corporibus ipſorum W. & F. legitime procreat̃, ad feſta Sancti Michaelis archangeli, & Annunciationis beatæ Mariæ virginis, per æquales portiones annuatim ſoluend'. Et ſi contingat, quod idem W. & F. obierint ſine hæred' de corporibus ſuis legitime procreat̃, tunc poſt deceſſum ipſorum W. & F. idem annualis reddit̃ nonagint̃ libr̃ integre remaneat rectis hæredibus ipſius W. ad feſta prædict̃ annuatim ſoluend'.

B * Et ſi contingat prædict' annual' reddit̃ nonaginta libr̃ aretro fore in parte vel in toto per ſpacium quinque ſeptiman̄, poſt aliquod feſtum feſtorum prædictorum, quo, vt præfert̃ ſolui debeat, non ſolut̃, (ſi legitim̄ modo petatur apud C. prædictam,) quod tunc & toties prædictus W. T. & hæredes ſui forisfacient prædictis W. & F. & hæred' de corporibus ſuis legitime procreat̃, ac etiam rectis hæredibus ipſius W. ſi prædicti W. & F. obier̃ ſine hæred' de corporibus ſuis

C legitime procreatis, octo libr̃ nomine pen̄. * Et ſic qualibet ſeptimana, poſt prædictas quinque ſeptimanas, octo libr̃, quoties prædict' annualis reddit̃ nonaginta libr̃ aretro foret, quod tunc & toties bene liceret præd' W. & F. & hæred' de corporibus ſuis legitime procreat̃, ac etiam rectis hæredibus ipſius W. ſi iidem W. & F. obier̃ ſine hæred' de corporib⁹ ſuis legitime procreat̃, in præd' maneria & tenementa cum pertin̄, intrare, & diſtringere, diſtrictioneſque ſic ibidem capt̃, & habit̃, abducere, aſportare, & effugare, ac penes ſe retinere, quouſque tam de prædicto annual' reddit̃ nonaginta libr̃

cum

cum arreragijs eiusdem, si quę fuerint, quam de prædict' octo libr̃, vt pręfertur, nomine penæ, forisfact', post prædict' quinque septimanas, & pro octo libr̃ pro qualibet septimana post prædict' quinque septimanas, vt pręfertur, eisdem plene fuerit satisfact' & persolut̃ &c.

SECTIO 130.

¶ *A Fine in fee Ferme yelding a Rent, with a distresse*

Essex. ss. PRæcipe T. S. de C. armig', & A. vxori eius, quod ten̄ W. D. conuen̄ de quinque acr̃ terr̃ cum pertin̄ in E. &c. A

¶ Et est concordia talis, scilicet, quod prædict' T. & A. recognouer̃ tenementa prædict' cum pertinentijs, esse ius ipsius W. vt ill' quę idem W. habet de dono prædictorum T. & A. Et ill' remiser̃ & quiet̃ clamar̃ de se & hæredibus suis præfato W. & hęred suis inperpetuum. Et præterea prædict̃, T. & A. concess. pro se & hæred' ipsius T. quod ipsi warrant̃ præf. W. & hęred' suis, tenementa prædicta cum pertinentijs, contra omnes homines inperpetuum. Et pro hac &c. prædict⁹ W. concessit præfato T. quandam annuitatem siue annualem redditum xx. s. legalis monetæ Angliæ exeunt̃ & exitur̃ de, & ex tenementis prædictis cum pertinentijs. Et ill' ei reddidit in eadem curia. Habend', tenend', & percipiend' prædict annuitatem siue annualem reddit̃ xx. s. prædict' præfato T. & hæredibus suis, ad festa Sancti Martini episcopi in hyeme, & Pentecost', per equales porciones, annuatim inperpetuum soluendum. Et si, ac quoties, contingat prædict̃ annuitatem siue annualem reddit̃ xx. s. prædict̃ aretro fore in parte vel in toto post aliquod festum festorum prædictorum, quo, vt præfertur, solui debeat, non solut̃, per spacium quadraginta dierum, quod tunc & toties bene liceat & licebit præfato T. & hæredibus suis in prædicta tenementa cum pertinentijs intrare, & distringere, districtionesque sic ibidem capt̃, licite asportare, effugare, abducere, & penes se retinere, quousque de tota prædict' annuitate siue annual' redditu viginti solid' prædict̃, B

vna

vna cum arreragijs eiuſdem, ſi que fuerint, ſibi ſit plenarie ſatisfact' & perſoluť &c.

SECTIO 131.

¶ *A Fine in fee Farme rendring a rent, ſuit of Court, and Heriot, after deceaſe, receaſe and alienation.*

A South. ff. PRæcipe A.B. & C.D. quod teñ F.G. conueñ de viginť acr' terræ &c.

B ¶ Et eſt concordia talis, ſcilicet, quod prædict' A.B. & C.D. recognouerť tenementa prædict' eſſe ius (*vt in fin' ſur recognizance de droit, Releaſe, & Warrant'*,) Et pro hac &c. prædictus F. conceſſit præfatis A.B. & C.D. quandam annuitatem ſiue annualem reddiť xij.ď. legalis monetæ Angl' exeunť & exiturť, de & ex tenementis prędictis cum pertinentijs. Et ill'eis reddidit in eadem curia. Habend' & percipiend' prædictam annuitatem ſiue annualem reddiť xij.ď. eiſdem A.B. & C.D. & hæred' ipſius A. ad feſta Sancti Michaelis archangeli, & Annunciationis beatæ Mariæ virginis, per æquales portio-
C nes, annuatim ſoluend'. * Ac etiam prædictus Fr. conceſſit pro ſe & hæredibus ſuis præfatis A.B. & C.D. & hæred' ipſius A. ad faciend' ſectam annuatim Curť prædict' A.B. & C.D. & hæred' ipſius A. apud manerium ſuum de G. bis in anno ſuper licitam monitionem inde præhabiť. Tenend' &c. Ac ſoluend' poſt deceſſum, receſſum, & alienationem, tam prædicti F. & hęred' ſuorũ, quam cuiuſlibet alterius tenentis exiſtenť liberi tenentis tenementorum prædictorum, vel alicuius inde parcell', optimum animal' cuiuſlibet huiuſmodi te-
D nenť, nomine herioť. * Et ſi cõtingat prædictam annuitatem ſiue annualem reddiť, aretro fore in parte, vel in toto, poſt aliquod feſtum feſtorum prædictorum, quo, vt prędicitur, ſolui debeat, non ſoluť, aut ſectť curť prędictť non fieri, ſiue herioť præd' cum acciderit non ſolui aut deliberať, quod tunc bene licebit prædict' A.B. & C.D. ac hæred' ipſius A. in tenementa prædicta cum pertiñ intrare, & diſtringere, diſtrictionesq;

ſic ibidem capt̃,licite abducere,aſportare, & penes ſe retinere,donec & quouſque tam de prædicta annuitate ſiue annual' reddit̃ xij.d̃,vna cum arreragijs eiuſdem,ſi quę fuer̃,quam de ſect' Cur̃,& Herioț prædict' aretto exiſten̄, eiſdem A. B. & C. D.& hæred' ipſius A. plenarie fuer̃ ſoluț̃ content̃ & ſatisfact' &c.

SECTIO. 132.

¶ *A fine in fee ſayme rendring a Rent,with a nomine penæ for the default of payment.*

Warw. ff. p Ræcipe A B.arnig',quod ten̄ C.D.conuen̄ de A manerio de L.cum pertinen̄.Necnon de 4.meſuag', & decem ſolidis reddit̃, cum pertinentijs in L.prædict' &c.

¶ Et eſt concordia talis, ſcilicet, quod prædictus A.B. re- B cognouit (*vt in fine ſur recognisſance de droit.*) Et pro hac &c. idem C. conceſſit præfato A. quandam annuitatem ſiue annualem reddit̃ vij.li.legalis monetę Angliæ, exeunt̃ & exitur̃ de & in manerio & tenementis prædictis cum pertinentijs. Et ill' ei reddidit in eadem curia.Habend' & percipiend' prædictam annuitatem ſiue annualem redditum vij.li.præfato A. hæred' & aſſignatis ſuis, decimo die Septembr̃ inter horam nonam ante meridiem, & horam tertiam poſt meridiem eiuſdem diei annuatim,apud domum ſine manſionem vulgariter nuncupatam S. ſituat̃ in fore vocato **le Market ſtead** in villa C.in comitatu D.ſoluend'. * Et ſi contingat prædict̃ C annuitatem ſiue annualem redditum ſeptem libr̃, aretro fore, in parte,vel in toto,per ſpacium xiiij.dierum,poſt prædictam decimam diem Sep,quo vt prefertur ſolui debeat, non ſoluț̃, quod tunc prædictus C.& hæredes ſui forisfacient eidem A. & hæredibus ſuis xiij,s.iiij,d̃.nomine penæ,toties quoties prędicta annuitas ſiue annualis redditus,aut aliqua inde parcella, ſic aretro fore contigerit. Et bene licebit prædict' A. & hæredibus ſuis,in prædictum manerium,& cętera premiſſa, cum pertinentijs,& in quamlibet inde parcell' intrare, & diſtringere,

gere, tam pro prædicta annuitate ſiue annuali redditu ſeptem lib', & pro qualibet inde parcell', quam pro prædict' xiij.s. iiij.d. nomine penæ, eidem A. & hæredibus ſuis foriſfact', toties quoties ſic aretro fore contigerit non ſolut, diſtrictioneſque ſic ibidem capt, & habit, licite abducere, aſportare, & effugare, & penes ſe retinere, quouſque tam de prædicta annuitate ſiue annuali redditu vij. libr', quam pro prædictis xiij. s. iiij. d. nomine penæ, toties forisfac' plenarie fuer eidem A. & heredibus ſuis ſatisfact' & perſolut &c.

SECTIO 133.ª

¶ A fine by the husband and wife, to the husband and wife with render.

A Staff. ff. PRæcipe &c. quod iuſte &c. teñ conueñ &c. de manerio de B. Et niſi &c.

B ¶ Et eſt concordia talis, quod prædict' I.B. & E. recognouerunt manerium prædictum cum pertinentijs eſſe ius ipſius R. vt ill' quę ijdem R. & M. habent de dono prædictorum I. & F. Et ill' remiſer & quiet clamauer de ipſis I. & E. & hæred' ipſius E. prędict' R. & M. & hæred' ipſius R. inperpetuum. Et prętereà ijdem I. & E. conceſſerunt pro ſe & hæredibus ipſius E. quod ipſi warrant prædictum manerium cum pertinentijs, præfatis R. & M. & hæred' ipſius R. contra omnes ho-

C mines inperpetuum. * Et pro hac recognitione, remiſſione, quiet clamatione, warrant, fine, & concordia, ijdem R. & M. conceſſerunt pro ſe & hæredibus ſuis, præfat I. & E. & hęred' de corpore ipſius E. legitime procreat, quatuor libras reddit, exeunt de manerio prędict' cum pertinentijs. Et illum eis rediderunt in eadem curia. Habend' & percipiend' ſingulis annis, ſcilicet, vnam medietatem inde, ad feſtum Sancti M. & aliam medietatem inde ad feſtum Annunciationis beatę Marię virginis, eiſdem I. & E. & hæred' de corpore eiuſdem E. legitime procreat, æquis porcionibus annuatim ſoluend' per manus tenentium qui idem manerium cum pertinentijs

inposterum tenebunt. Et preterea ijdem R. & M. concesserunt pro se & hæredibus suis, quod si prædictus redditus ad aliquem terminum, quo solui debeat, aretro fuerit in parte, vel in toto, quod tunc bene licebit præfat' I. & E. & hæred' de corpore ipsius E. legitime procreat', distringere prædict' R. & M. & hæredes suos, ac illos qui idem manerium inposterum tenebunt per omnia bona & catalla, in eodem manerio cum pertinentijs inuent', pro xx. solid', nomine penæ, pro quolibet termino, sic aretro existent' per spacium vnius mensis, Et ea retinere vsque ad plenam solutionem tam de prædictis quatuor libris reddit', quam de prædictis xx. solid' nominæ penę quæ eis sic aretro fuerint &c.

SECTIO 134.

¶ *A writ of Couenant for the Queene.*

Esser. ll. PRæcipe A. B. & C. quod ten̄ nobis conuenti- A
onem inter nos & præfat' A. & C. factam de
omnib⁹ & omnimod' decimis granorum crescen̄
prouenien̄ siue reuouan̄ infra parochiam de Ho-
ton. Et nisi fecerint sumn̄ per bonos sumn̄ &c.

¶ *Hoc breue indorsetur sic.*

¶ Iohannes Popham Armig' Attorn̄ dominæ Reginæ ge- B
neralis pro ead' domina Regina sequitur hoc breue.

SECTIO 135.

¶ *The exemplification of a fine inrolled according to the statute vicesimo tertio Eliz. cap. 2.*

ELizabeth dei gratia Angliæ, Franc', & Hiberniæ Regina A
fidei defensor &c. Omnibus ad quos presentes literæ nostræ peruenerint, Salutem. Sciatis quod inter Irrotulamenta breuium, & aliorum dependen̄ pro finibus, secundum formam statuti de termino Paschæ apud Westm̄ Ann̄ regni nostri 29. Rotulo vij. continet sic, ff. * Essex ff. Eliz. dei grac' B
Angl', Franc' & Hiber̄ Reg. fidei defenc' &c. vic' Ess. salutē.

Præci-

Præcipe E.W.armigero,& I.vxori eius quod iuſte & ſine dilatione teneant I. W. & I.S. conuentionem inter eos factam de duobus meſſuagijs, duobus gardinis, duobus pomar', xx. acris terr̃,xx.acris prati,xl.acris paſtur̃, & C.acris iampnorum & bruere,cum pertiñ in B.& W.Et niſi fecerint & prædict' I.& I.fecerint te ſecurum de clamore ſuo proſ.tunc ſum̃ per bonos ſumm̃ prædictos E.& I.quod ſint coram Iuſticiarijs noſtris apud Weſtm̃ in Octabis Sancti Michaelis oſtenſuri,quare non fecerint,Et habeas ibi Summ̃ & hoc breue T. meipſa apud Weſtm̃ 17. die Septemb.Anno regni Reg.nunc
C 35. * Pleg' de proſ.Iohañ Doo,Richardus Roo, * Sum̃ Io-
D hannes Den,Richardus Fen, * Georgius T.ar' vic' ſſ. * I.
E W. dat dominæ Reginæ ſex ſolidos & octo denarios pro li-
F ceñ concord' cum E.W.armigero & I. vxore eius de placito conuentionis de duobus meſſuagijs, duobus gardinis, duobus pomarijs,xx.acris terræ xx.acris prati,xl.acris paſtur',& centum acris iampnorum,& bruere,cum pertinẽtijs in B.& W.
G Et habet Cirr̃ per pacẽ admiſſ. * coram R.H.vno Iuſtic' do-
H minæ Reg. de banco Iuſtic' in patria, ſſ. * Elizabeth dei grac' Angl',Franc',& Hiberniæ Regiñ fidei defenſor̃ &c.dilecto & fideli ſuo R.H.vni Iuſtic' ſuorum de banco, Salutẽ, Cum breue noſtrum de conuent' pendeat coram vobis & ſocijs veſtris Iuſtic' noſtris de banco inter I. W.& I. S.& E. W.armig' & I. vxorem eius de duobus meſſuagijs , duobus gardinis,duobus pomarijs,xx. acr̃ terr̃,xx.acris prati,in B.& W.in Coiñ Eſſex,ad finem inde inter eos coram vobis & ſocijs veſtris prædictis in banco prædicto ſecundum legem & conſuetudinem Regni noſtri Angl' leuand', Ac ijdem E.& I. adeo impotentes ſui exiſtunt, quod abſque maximo corporum ſuorum periculo vſque Weſtm̃ ad diem in breue prędicto content' ad cognitiones quę in hac parte requirunt faciend' laborare non ſufficiunt vt accepimus. Nos ſtatum eorundem E.& I.compacientes in hac parte,dedimus vobis poteſtatem recipiend' recognitiones quas prædicti E.& I. coram vobis facere voluerint de præmiſſis, Et ideo vobis man-

damus quod ad præfatos E. & I. perſonaliter accedentes, cognitiones ſuas prædictas recipiatis. Et cum eas receperitis, præfatos ſocios veſtros inde ſub ſigill' veſtro diſtincte & aperte reddatis certiores, vt tunc finis ille inter partes prædictas, de præmiſſis, coram vobis & ſocijs veſtris prædictis in banco prædicto leuari poſſit, ſecundum legem & conſuetudinem ſupradictas. Et habeatis ibi tunc hoc breue T. meipſa apud Weſtmoñ 18. die Septemb Anno Regni noſtri 35. * Reſponſ. infranominat' R. H. ad hoc breue. Execuc' iſtius breuis patet in quadam ſcedula huic breui annex'. * Et eſt concordia talis, ſcilicet, quod E. & I. nominat' in breue huic ſcedul' Annex', recogñ teñ in dicto breue ſpecific' cum pertiñ, eſſe ius I. W. in eod' breui nominat', vt ill' quę idem I. & I. S. in dicto breue nominat' habeant de dono prædicti E & I. Et ill' remiſ. & quiet' clam de ſe & hæred' ſuis præfat' I. & I. & hæred' ipſius I. W. inperpetuum. Et præterea ijdem E. & I. conc' pro ſe & hæred' ipſius I. quod ipſi warr' tenementa prædicta cum pertinentijs præfat' I. & I. & hæred' ipſius I. W. contra omnes homines inperpetuum. Et pro hac &c. Ijdem I. W. & I. S. conceſſ. tenementa prædicta cum pertinentijs præfat' E. & I. * Et ill' eis reddider' in eadē Cur'. Habend' & tenend' eiſdem E. & I. & hæred' de corpore ipſius E. per prædictam I. legitime procreat'. Et pro defect' talis exitus teñ prædicta cum pertinentijs integre remañ præfat' I. & hæred' de corpore ipſius I. legitime procreat'. Et pro defectu talis exitus, tenementa prædicta cum pertinentijs, integre remañ rectis hæred' ipſius E. inperpetuum. Tenend' &c. R. H. ſſ. * Hęc eſt finalis concordia facta in Cur' dominæ Reginæ apud Weſtmoñ in octabis Sancti Michaelis Anno regni Elizabeth dei gratia Angliæ, Franciæ & Hiberniæ Reginæ fidei defenſor' &c. A conqū decimo, coram I. D. R. W. I. W. & R. H. Iuſtic' & alijs dominæ Reginæ fidelibus tunc ibi preſentibus. Inter I. W. & I. S. quer' & Ed. W. armigerum & I. vxorem eius deforc' de duobus meſſuagijs, duobus gardinis, duobus pomarijs, xx. acr' terr', xx. acris prati, xl. acris paſturę, &

I K L N M

& C.acris iampnorum & bruere,cum pertiñ in B. & W. vnde placitum conuentionis ſumñ fuit inter eos in eadem cur. Scilicet quod præd' E.& I. recogñ prædicta tenementa cum pertiñ,eſſe ius ipſius I.W. vt ill' quę ijdem I. & I. S. habeant de dono prædictorum E. & I. Et ill' remiſer & quier clam de ipſis E.& I.& hæred' ſuis, præd' I.& I.& hæred' ipſius I.W. inperpetuum.Et præterea ijdem E.& Iohanna conceſſer pro ſe & hæred' ipſius I.quod ipſi warr' prædictis I. & I. & hæred' ipſius I. W.prædicta tenementa cum pertinentijs contra omnes homines inperpetuum. Et pro hac recogñ, remiſſione, quier clam,warrant,fine,& concordia ijdem I.& I.conceſſer prædictis E.& I.prædicta teñ cum pertinentijs. Et ill' eis reddider in eadem Cur. Habend & tenend' eiſdem E.& I.& hæred' de corpore ipſius E. per prædictam I.legitime procreat, de capitalibus dominis feod' ill' per ſeruic', quę ad prædicta tenementa pertinent inperpetuum. Et ſi contingat quod ijdem E.& I.obier ſine hæred' de corpore ipſius E. per præd' I.legitime procr,tunc poſt deceſſum ipſor E.& I.præd' teñta cum pertiñ integre remañ hæred' de corpore ipſius I. legitime procr. Tenend de capitalibus dñis feod' ill' per ſeruic', quę ad præd' teñta pertinent, inperpetuum. Et ſi nullus heres de corpore ipſius I.fuerit legitime procr,tunc prædicta teñta cũ pertiñ integre remaneb.rectis hæred' ipſius E. Tenend de capitalibus dñis feod ill' p ſeruic' quę ad pd' teñta pertinent in-
N ppetuũ.* Sec' formñ ſtat,prima pcl' facta fuit 22.die No.terñ S.Mich.Anno vndecimo Reg.infraſcr.Secunda procl 24.die No.eod' termino. Tertia proclam 26. die Nou.eod' termino. Quarta procla 29.die Nou.eod' termino. Quinta procl' facta fuit ſeptimo die Fe.terñ S.Hill' An. 11. dict' Regiñ infraſcr. Sexta procl' 9.die Fe.eodem termino. Septima procl' 10. die Feb.eod' terñ.Octaua procl' 12.die Fe.eod' terñ.Nona pcl' facta fuit 14.die Maij termino Paſ.anno 12.Reg.infraſcr.Decima procl 17.die M.eod' terñ. Vndeciñ procl 23.die M. eod' termino.Duodecima procl' 23.die M.eod' terñ.Tertiadecima procl' facta fuit 22. die Iunij termino S. Triñ Anno

vndecimo Reginæ infraſcr'. Quartadecima procl' xxv. die Iunij eodem termino. Quintadecima procl' 27. die Iunij eod' termino. Quę omnia & ſingula ad requiſitionem W. W. generoſ, tenore preſentium duximus exemplificand'. In cuius rei teſtimonium ſigill' noſtrum ad breuia in banco ſigilland' deputat' preſentibus opponi fecimus T. F. W. W. & F. R. Iuſticiar' de Banco prædicto apud Weſtmoneſt' die Anno Reginæ nunc xx. &c.

W. P. & R.

Hitherto of Fines and Concordes, now in like manner of notes of Writs of Entrie and Warrants of Atturney for common Recoueries.

SYMBO-

SYMBOLEOGRAPHY
PARS SECVNDA.

SECTIO. 136.

¶ *Recoueries for assurances &c.*

A IN euery Recouerie are to be regarded the demaundant, the tenant of the land, and the vouchée, as the efficient causes thereof. The land demaunded, as the matter which must as certeinly be set downe in writs of Entre, as in writs of Couenant, whereupon fines are leuied. The end and effect of such recoueries, is to discontinue & distroy estates tailes, remainders, and reuersions, and barre the former owners thereof.

B The demaundant is he that bringeth the writ of Entre, and may be termed the Recouerer.

C The Tenant is he, against whom the writ is brought, and may be termed the Recouerée.

D The vouchée is he, whom the tenant voucheth, or calleth to warranty for the land in demaund.

E And such persons may be demaundants, tenants, and vouchées, in these recoueries, as may be Cognisors and cognisees, in writs of Couenant, and by such names *mutatis mutandis*. Saning that if any recouerie be had against any tenant in taile, the reuersion, or remainder being in the Quéene, of the gift of the Quéene, or of any of her maiesties progenitors, Kinges of England: such recouery will

will neither barre the issue in taile of his Entre nor discontinue his estate, nor plucke such reuersion or remainder out of her Maiestie 34. Hen. 8. cap. 20. Quære tamen si tiel recouery barre lissue in taile during the continuance of the estate taile. Dier fo. 132. pla. 1.

Item before such persons, by such meanes, and in such maner may warrants of attorney be knowledged, & certified, as fines knowledged, in the cuntrie, sauing that ỹ recognisance of warrants of Atturney may be taken by any Justice or Seriant, without a writ of Dedimus potestatem. And fines must be paied vpon writs of Entre, as vpon writs of Couenant. And all such writs of Entre must be signed by the Quenes Atturney before they can be sealed. F

In a recouerie with double voucher, the fine must be sued first to make him tenant at the time of the writ of Entre brought, for euery writ of Entre must alwaies be brought against him that is tenant of the freehold of the land demaunded at the time of the writ brought, 18. R. 2. and Dier. fo. 252. pla. 98. G

And if the tenant haue but an estate for life, or in dower or by the Curtesie: then to haue a good recouery thereof, it is méet that such tenant make a conditionall Surrender of his estate to him in the reuersion, or remainder, to the end he may be a perfect tenant of the inheritance, and then to bring the writ of Entre against him, and after that the recouerie is executed, the particuler tenant for breach of the condition may enter and enioy his terme, notwithstanding such surrendor. G

See the like Surrender before in the Chapter of Surrenders in the first part of Symboleography.

SECTIO 136.

¶ *Of what thinges writs of Entre may be brought and by what names.*

A PRæcipe quod reddat **lieth**, de vna acr̃ terræ, aqua cooperta, vel de acra terræ 12. Henrici. sep̃ fo. 4. de gurgite, 10. Edward' 3. & 14. Edw. 3. 842. Fitz. natur̃ br̃. fo. 191. H. & de passagio vltra aquam Fitz. natur̃ br̃ fol. 191. I. de balliua 34. Edw. 3. 423. de officio 27. Henrici octaui fol. 12. de aduocatione Ecclesiæ, aut de quarta parte decimarum 34. Edward' 3. de portione decimarum, Dier fol. 84. pl. 83. de quadam parcella terræ, Dier fol. 84. plac. 83. de custod' terræ & hæred', siue de custod' terræ. Regist̃ 161. 22. Edw. 3. fol. 19.

B Præc' quod reddat **lyeth of all maner of Ecclesiasticall or spirituall profites**: vt de rectoria, vicaria, porcionibus, pentionibus, decimis &c. per statut̃ 32. Henr̃ 8. cap. 7. de omnibus, & omnimodis decimis maioribus mixtis & minutis infra villam siue hamlet̃ de B. in parochia de A. quoquo modo crescenc', contingen' ac annuatim renouan̄ &c. The. li. 8. ca. 9. S. 2. de 4. parte decimarum & oblationum Ecclesiæ Sanct' P. &c. 16. Edw. 3. **In old time** de hida terræ per Glanuile, de carucatu terræ 4 E. 3. 161. de bouat̃ terræ 6. E. 3. 291. de sex pedibus terræ in longitudine, & 4. pedibus in latitud' 14. Ass. 13.

C A Præcipe quod reddat **lieth** de tofto & situ molendini 14. E. 3. de hundredo de C. & balliuato de B. 34. Edw. 1. 3. Edw. 3. de pastur̃ ad sex boues 3. Ed. 3. fol. 23. 4. E. 2. de roda terræ 3. E. 5 de aduocatione 34. Edw. 1. de quadam portione terræ 11. Hen. 4. fol. 40. 5. Hen. 7. fo. 9. de medietate vnius rode terræ 41. E. 3. de shopa, Regist̃ fo. 2. a de 4. acr̃ alner̃ 11. Ass. 13. de turbar̃, **by the name of** More 8. Ed. 3. fol. 387. **and it lyeth in a Towne, and not in a hamlet,** 8. E. 3. fol. 55. 7. E. 3. 9.

SECTIO 138.

¶ *Of what thinges a writ of Entre lyeth not.*

PRæcipe quod reddat **lyeth not**, de foſſato, nec de ſtagno, nec de piſcaria 8. E.3. 381. nec de aduocatione decimarum vnius carucat terræ. Regiſtr fo.29. nec de communia paſtur 27.H.8.fo.12. de eſtouerijs 2.E.3.de homagio & fidelitat, nec de ſeruitijs faciendis 6.F.2. A

A Præcipe quod reddat **lieth not** de bouat mariſci 13.E.3. fo.3.de ſelione terræ E.1. **for the incerteintie, becauſe a ſelon which is a land, ſometime conteineth an acre, ſometime halfe an acre, ſometime more, and ſometimes leſſe, It lieth not of a garden, cottage, or croft,** 14.aſſ.13.8.Hen. 6.3.22.E.4.13.de virgata terræ 41.43.13.E.3.de fodina, de minera, de mercatu, 13.E.3. **for they lie not in Demeſne, but in Gaine,** nec de ſuperiori camera 3.H.6.fo.1. B

A writ of Entre ought not to conteine one ſelfe thing twiſe, as a meſſuage, and a houſe parcell of the ſame meſſuage, 3.Ed 4.fol.28.46.E.3.fol.26. **Nor to name a town and a Hamlet within the ſame towne,** 22.Edw.3.fol.14. 41.Ed.3.fol.22. C

In euery warrant of Atturney it is good to put 2. Atturneies at the leaſt for feare of death. D

In a countie palantine, as Lancaſter, Dureſme, Cheſter &c. may be put in a warrant one Atturney, and one of the Juſtices Clarkes. E

If the writ of Entre be returnable Craſtino Martini, **the writ** of Summons ad warr **thereupon muſt beare** Teſte **from the returne of** Craſtino Martini, **and be returnable 9. Returnes, after the returne of the writ of** Entre incluſiue: **that is accompting** Craſtino Martini **for one of the nine returnes, and** tres paſchæ, **which is the ninth returne after** Craſtino Martini **for another. And the** Teſte **of the writ of** Seiſin **muſt be the day of that ninth returne, and be returnable fiftæne daies after. Then the writ of** Seiſin **may be** F

retur-

returned, that ſeiſin was deliuered by vertue thereof to the demaundant, by the Shirife of the Countie where the landes lie vpon any day (not being Sunday) betwẽ the Teſte and returne of the ſaid writ of Seiſin. Then ẏ writs of Entre, Summons, and Seiſin muſt be returned and filed with ẏ Cuſtos breuium, ⁊ the iudgement entred by the preignotary, and the warrants of Atturney by the Clarke of the Warrants.

G If a ſingle recouerie and a fine be againſt the tenant, the writ of Entre muſt beare date and Teſte, before the writ of Couenant, and be returned before.

H If a writ of Couenant be brought againſt the tenant and a writ of Entre againſt the demaundant: then the writ of Couenant muſt beare date, and be returned before the writ of Entre, and this is called a double voucher.

SECTIO 139.

¶ *A Certiorari to the executor of the Iuſtice, before whom the warrants were knowledged.*

A ELizab. dei gratia Angl', Franc' & Hiberniæ Regina fidei defenſor &c. dilecto ſibi I. R. aꝰ executori teſtamenti Fr. R. nuper vnius Iuſtic' noſtrorum de banco, ſalutem. Volentes certis de cauſis certiorari tam ſuper quodam warrañ atturñ per quod H. S. poſuit loco ſuo W. B. & R. C. coniunctim & diuiſim verſus R. P. alias W. & R. H. de placito terræ in comitaꝰ E. quam ſuper quodam alio warrañ atturñ per quod H. L. & I. L. quos prædictus H. S. voc' de warrañ poſuerunt locis ſuis A. B. & F. R. coniunctim & diuiſim verſus prædict' R. & R. H. de placito terræ in dicto comiꝰ E. per præfaꝰ F. R. nuper capt' ac in cuſtod' tua ratione executionis teſtamenti prædicti exiſteñ vt dicitur. Tibi præcipimus ꝙ warrañ prædict' Iuſtic' noſtris de banco apud Weſtmonaſt' ſub ſigillo tuo diſtincte & aperte ſine dilatione mittas & hoc breue, vt ijdem Iuſtic' inſpect' warrañ prædict' vlterius in quodam breui noſtro de ingr' pendeñ coram præfaꝰ Iuſtic'

Iusticiarijs nostris apud Westmon̄ inter præfat̄ R. & R. H. & prædictum H. S. de vno messuagio &c. cum pertinentijs in T. & D. in comitat̄ prædicto, & process. inde fieri fac', quod de iure, & secundum consuetudinem regni nostri Angl' fuerit faciend' T. meipsa apud Westmon̄ 29. die Nou. Anno regni nostri 34.

It is returned thus.

Respons. infranominati I.R. ad hoc breue. B

Execuc' istius breuis patet in quadam schedula huic breui annex'

Ebor. ff. Præc' H.S. quod iuste &c. Redd' R.P. alias W. & R.H. vnum messuagium &c. cum pertinen̄ in T. & D. quod clam̄ &c. C

Ebor. ff. H.S. po:lo: suo W.B. & R. C. coniunctim & diuisim versus R.P. alias W. & R.H. de placit̄ terr̄. D

Ebor. ff. H.L. & I.L. quos H.S. voc' ad warran̄ po:lo: suo A.B. & F.R. coniunctim & diuisim versus R.P. alias W. & R.H. de placito terræ. E

Capt̄ & cognit̄ apud W. in comit̄. C. xvij. die Febr̄ Anno regni dominæ Eliz. &c. xxxiiij. I.R. F

SECTIO. 140.

A recouery with single voucher.

Ebor. ff. pRæc' G.C. armigero quod iuste &c. redd' R.C. & R.I. vnum messuagiū & quatuor acr̄ terr̄ cū pertin̄ in T. quæ clam̄ &c. Et in quæ &c. Et nisi &c. A

G.C. po:lo: suo, N.M. & M.M. attorn̄ suos coniunct' & diuisim versus R.C. & R.I de placito terræ. B

SECTIO. 141.

A recouerie with double voucher.

Derb. ff. pRæc' N.L. & M. vxori eius quod iuste &c. redd' T.S. & T.C. Maneria de N. M. & P. cum pertin̄ A

tiñ ac 30. Meſſ. 30. toſta 5. molendina, 30 gardiñ, 30 pomaria, 1000. acr̃ terræ, 1000. acr̃ prati, 500. acr̃ paſtur̃, 40 acr̃ boſci, 1000. acr̃ more 200. acr̃ iampnorum & bruer̃, & 3. libras redd' cum pertiñ in N. M P. P. & B. quæ clam̃ eſſe ius & hæred' ſuam & in quæ idem N. & M. non habent ingr̃ niſi poſt diſſeiſinam quam H. H. iniuſte & ſine iuditio fecit præfatis T. & T. infra 30. an. iam vltimo elapſos &c. vt dic', vnde queꝛ̃ &c. Et niſi &c.

B **Derb. ſſ.** M. L. & M. vxor eius po: lo: ſuo, T. B. & W. B. attorñ ſuos coniunctim & diuiſim verſus T. S. & T. C. de placito terræ ad lucrand' vel perdendum.

C **Derb ſſ.** W. B. & T. F. quos N. L. & M. vxor eius vocant ad warr̃: po: lo: ſuo, P. P. & Q. Q. attorñ ſuos coniunctim & diuiſim verſus T. S. & T. C. de placito terræ ad lucrandum vel perdendum.

SECTIO 142.

A recouerie with a treble voucher.

A **Eſſex. ſſ.** p Rec' R. B. & C. S. quod iuſte, &c. reddant A. T. armig' Maner̃ de B. & Q. cum pertiñ ac 20. meſſuag' duodecim toſta, quatuor Columbar̃, mille acr̃ terr̃ C. acr̃ prati C. ar̃ paſtur̃, CC. acr̃ iampnor̃ & bruere, C. acr̃ more & triginta ſolid' & vnum obul' reddit̃, ac reddit̃ vnius libre & dimidij piperis & vnius gr̃añ piperis cum pertiñ in B. & Q. Ac liberam piſcariam in aqua de W. necnon aduocationem Eccleſiæ de B. quæ clam̃ &c.

B **Eſſex. ſſ.** R. B. & C. S. po: lo: ſuo, W. W. & R. R. attorñ ſuos coniunctim verſus A. T. de placito terræ.

C **Eſſex. ſſ.** M. M. geñ quem R. B. & C. S. vocãt ad warrañ po: lo: ſuo, I. I. & L. L. attorñ ſuos coniunctim & diuiſim verſus A. T. de placito terræ.

D **Eſſex. ſſ.** G. W. geñ quem M. M. voc' ind' ad warr̃ po: lo: ſuo R. G. & R. S. attorñ ſuos coniunctim & diuiſim verſus A. T. de placito terræ.

SECTIO 143.

¶ *A recouery of an Aduowſon in the Countie palantine of Cheſter.*

PLacita apud Ceſtr̃ coram R. T. milit̃ Iuſtic' domini Regis apud Ceſtr̃ de Seſſione teñ ibidem die Iune vltiñ die Septembr̃ Anno regni Elizab' Dei gratia Angliæ, Franciæ, & Hiberñ Reginæ fidei defenſor̃ & in terr̃ Eccleſiæ Anglicanæ & Hiberniæ ſupremi capitis 35. A

Cheſtr̃. ſſ. H.S. armiger per T.B. attorñ ſuum petit verſus H.D. armigerum aduocationem Eccleſiæ de T. quam ei iniuſte deforc' &c. Et vnde dic' quod ipſemet fuit ſeiſit̃ de aduocatione Eccleſiæ præd' vt de feod' & iure infra 30. annos iam vltimo elapſos tempore pacis, tẽporæ dominæ Reginæ nunc, & ſic inde ſeiſit̃ eodem tempore ad eandem Eccleſiam præſentauit quendam R. A. Clericum ſuum qui ad præſentationem ſuam fuit admiſſus inſtitutus & inductus in eadem: Capiendo inde explec', vt in groſſis decimis, minutis decimis oblationibus & obuentionibus ad valenc' &c. vt de iure eccleſiæ ſuæ prædictæ &c. Et quod tale ſit ius ſuum offert &c. B

SECTIO 144.

A Recouerie in a writ of right de Præcipe in Capite.

ELizabeth dei gratia &c. Omnibus ad quos præſentes literæ patentes peruenerint ſalutem. Sciatis quod I. comes S. in curia noſtra coram Iuſticiarijs noſtris apud Weſtm̃ per breue noſtrum de recto de præcipe in capite petijt verſus T.B. ſeniorem & I. vxorem eius manerium de C. cum pertiñ, ac vnum Meſſ. 50. acr̃ terræ, 50. acr̃ prati &c cum pertineñ in C. C.B. H. iuxta T. vt ius & hæreditatem ſuam: quod quidem breue vna cum retorñ eiuſdem ac placitum ſuper idem breue cum omnibus alijs placitum illud tangentibus ſequit̃ in hæc verba. A

Eliz'

Elizabeth Dei gratia &c. Vicecom̃ Heref. ſalutem. Præcipe T. B. ſeniori, & I. vxori eius, quod iuſte & ſine dilatione reddant. I. Comiti Salop̃ manerium de C. cum pertinentijs, ac vnum meſuag' &c. cum pertinentijs in C B. & H. iuxta T. quæ clamat eſſe ius & hæreditatem ſuam, & tenere de nobis in capite. Et vnde quæritur quod prædict' T. & I. ei iniuſte deforceant. Et niſi fecerint, Et prædict' Comes fecerit te ſecur' de clamore ſuo proſeq. tunc ſumm̃ per bonos ſummoñ prædictos T. & I. quod ſint coram Iuſticiarijs noſtris apud Weſtmonaſterium a die Paſchæ in quindecim dies, oſtenſ. quare non fecer'. Et habeas ibi ſumm̃, & hoc breue. Teſte meipſa apud Weſtmonaſterium ſecundo die Aprilis, Anno Regni noſtri triceſimo tertio. Le brief.

Pleg' de proſequend' R.D. & I.R.

* Reſponſio I.S. Militis Vicec': Summ̃ T.B. & I. vxor̃ eius infraſcript' H.F. & R.L. Returne inde

Placit' apud Weſtmonaſt' coram I.P. & ſocijs ſuis Iuſticiar' domin̄ Reg. de banco de termino Paſchæ, anno Regni &c. 6. Rotulo C.C.

* Heref. ſs. Ioh. Comes Salop̃, per I.S. Attornatum ſuum, petit verſus T.B. ſen̄, & I. vxorem eius manerium de C. cum pertinentijs, ac vnum meſſuagium &c. cum pertinentijs in C. B. & H. iuxta T. per breue dominæ Regin̄ de præcipe in capite &c. * Et vnde dicit quod ipſemet fuit ſeiſitus de manerio, meſſuag', ter' &c. cum pertinentijs, in dominico ſuo vt de feodo & iure tempore pacis tempore dominæ Regin̄ nunc, capiendo inde explec' ad valentiam &c. Et quod tale ſit ius ſuum offert &c. Le dd'. Le Count.

* Et prædicti T. & I. per W.B. Attornatum ſuum, venер & defendunt ius prædict' Comitis & ſeiſinam ſuam, & maxime de manerio, meſuag' &c. ei warrant' &c. & ſuper hoc prædictus Comes petit verſus ipſum W. P. manerium, meſſuagium, &c. cum pertinentijs in forma prædicta &c. Et vnde dic' quod ipſemet fuit ſeiſitus de prædict' Manerio, meſſuag' Le defend' Le dd'

messuag' &c. cum pertinentijs, in dominico suo vt de feodo & iure, tempor' pacis, tempore dominæ Reginæ nunc, capiend' inde explec' ad valentiam &c. Et quod tale sit ius suum offert &c.

Le defence. * Et prædictus W.P. tenens per warrant' suam defendit F
Issue fera le graund assis. ius prædict' Comitis & seisinam eius, & maxime de manerio, messuag', terr' &c. cum pertinentijs, & totum &c. Et ponit se inde in magnam Assisam dominæ Reginæ, & petit recogn' fieri vtrum ipse magis ius habeat tenend' manerium, messuagium, terr', &c. cum pertinentijs, vt tenens per warrant' suam, vt ea tenet, an prædictus Comes habend' Manerium, messuag', terr', &c. cum pertinentijs, vt ea superius pet' &c. * Et prædictus Comes petit licentiam inde interloquend' &c. Et habuit &c.

Li. lo.

Defalt & iudgement. * Et postea idem Comes per Attornatum suum prædict' G
reuen hic in Curia, & prædict' W.P. licet solemniter exact', non reuen, sed in contempt' cur' defaltam fec'. Ideo considerat' est q̄ prædict' Comes recuperet seisinam suam versus prædict' T. & I. de præd' manef, messuag', &c. cum pertin, tenend' eidem Comiti & hæred' suis quiete de prædict' T. & I. & hæredibus suis inperpetuum.

Et prædicti T. & I. habeant de terr' prædict' W.P. ad valentiam manerij, messag', terr', &c. prædict' cum pertinentijs. Et prædict' W.P. in misericordia &c. H

Warrant' Attornat' inde sequitur in hæc verba.

Heref. ff. Ioh. Comes Salop', po: lo: suo I.S. versus T.B. I
seniorem, & I. vxorem eius de placito terræ.

Heref. ff. T.B. senior & I. vxor eius, po: lo: suo, W. B. K
versus Ioh. Comitem Salop', de placito terræ.

Quæ omnia & singula ad requisitionem prędicti Comitis L
exemplificari fecimus, & magnum sigillum nostrum, quo vtimur ad huiusmodi exemplificationes, necnon ad quæcunque breuia iudicialia extra bancum prædict' exeunt' sigillan'

gilland', præſentibus apponi fecimus. Teſte I. P. apud Weſtmonaſterium XVIII. die Maij, anno Regni noſtri triceſimo ſexto.

SECTIO 145.

¶Remiſsio Curia in breui de Recto.

A EXcellentiſſimæ Principi dominæ E. Dei gratia &c. T. W. ſaluſ in eo per quem Reges regnant, & Principes dominant. Quia A. in curia veſtra coram Iuſticiarijs veſtris de banco per breue veſtrum de Recto D. E. de vno Meſſuag' cum pertineñ in S. quod de me tenetur, licentia mea mediante proponit implacitare, veſtræ celſitudini Regiæ, tenore præſentium ſignifico, me cur' meam vobis inde hac vic' remiſiſſe. Saluo mihi alias iure dominij in caſu conſimili cum acciderit. In cuius rei teſtimonium has literas meas feci patentes, ſigillo meo ſignat'. Dat' tertio die Maij, Anno Regni &c.

SECTIO. 146.

¶The exemplification of a Recouerie enrolled according to the Statute xxiy. Elizabeth Cap. 3.

A ELizabeth Dei gratia Angl' Faanciæ & Hibernię Regina fidei defenſor &c. Omnibus ad quos præſentes literę noſtr peruenerint ſalutem, Sciatis quod inter Irrotulamenta breuium & aliorum dependeñ pro communibus recuperationibus ſecund' formã ſtatuti de termino Paſche apud Weſtmoñ Anno Regni noſtr' 29. Rotul' primo continetur, ſic Eſſex ſſ.

* Elizabeth Dei gratia Angliæ, Franciæ & Hiberniæ, Reginæ fidei defenſor &c. vic' Eſſex ſalutem Præcipe I. W. & I. S. quod iuſte & ſine dilatione reddant Io. St. & T. P. quatuor Meſſuagia, quatuor gardina, CC. acras terræ, C. acras prati, treſcentas acras Paſture, quadraginta acras boſci, & CCC. acras iampnorum & bruere, cũ pertiñ in B. T.

T.C.D.& H. quæ clamant esse ius & hæreditatem suam'. Et in quæ ijdem Ioh W. & I. S. non habeant ingress', nisi post dissei'sinam quam H. H. inde iniuste & sine iudicio fecit præfat' I.S. & Tho. infra triginta annos iam vltimo elapsos vt dicunt. Et vnde quæruntur quod prædicti I. W. & I.S. eis deforc'. Et nisi fecerint & prædicti I. S. & Tho. fecer' te secur' de clamore suo prof. tunc sumñ per bonos sumñ prædictos I.W.& I. S. quod sint coram Iusticiarijs nostris apud West' monast' a die Sanct. Michaelis in quindecim dies, ostensuri quare non fecerint. Et habeas ibi sumñ & hoc breue T. meipsa apud West' 24. die Septemb' anno regni nostr' decimo

The doctor which tooke the affid' for the value.

* Gibon * pleg' de pros. Ioh. Doo, Rich. Roo * Sumñ Ioh. Den, Richard' Fen * G.T. armig' vic' ss.

Pleges.

Summoners.

The Sherifs name.

Summons ad warr'.

* Elizabeth dei gratia Angl' Franc' & Hiberniæ Reginæ fidei defensor', &c. Vic' Essex salut' Sumñ per bonos Sumñ E.W. armigerum & vxor' eius q̄ sint coram Iusticiarijs nostris apud West' a die Sancti Hillarij in xv. dies ad warr' Ioh. W.& I.S. quatuor messuag' quatuor gardiñ, CC. acras terræ, C. acr' prati, CCC. acr' pasturæ, quadraginta acr' bosci & 300. acr' iampnorum & bruere, cum pertiñ in B. T. T.C.D.& H. quæ Io. St. & Tho. P. in cur' nostra coram Iusticiarijs nostr' apud Westmoñ clam̃ vt ius suum' per breue nostrum de ingress'. sup dissei'sinam in le post versus eos. Et vnde ijdem Ioh. W. & I. S. in eadem cur' nostr' voc' prædictos Edm. & Ioh. Sumñ in comit' tuo ad warr' versus eos. Et habeas ibi Sumñ & hoc breue T.I.D. apud Westmoñ. xvj. die Octobris, anno regni nuper decimo * Lone. * Sumñ Iohannes Den, Ric. Fen * T.L. ar' vic' ss * Io. St. & Tho. P. po: lo: suo R. E. versus Iohannem W. & I. S. de placito terræ ss. Iohannes W. & I. po: lo: suo I. A. versus Ioh. St. & Tho. P. de placito terræ ss. Edmundus W. armig' & Iohanna vxor' eius quos Iohannes W.& I. S. voc' ad warr' po lo suo R. C. versus Io. S. & Tho. P. de placito terr'. Quæ omnia & singula ad requisitionem Will. W. generos. tenore præsentium duximus exemplificand. In cuius rei Test. sigill' nostr' ad breuia in Banco sigillãd' deputat' presen-

The protonotarie in whose office it is entred.

Summoners.

The Sherife.

The warrants of Attorney.

præsentibus apponi fecimus T. F. W. P. & F. R. Iustic' de Banco predicto apud Westmonast' xvj. die Iunij anno regni nostri vicesimo nono.

M. The Iudges which examined their enrolement. M. W. P. & R.

SECTIO 143.

Per don' alien' sup' ter' per breue de ingressu recuperat'

A REgina, Omnibus ad quos &c. salutem Cum prædilectus & fidelis consanguineus noster T. dux Norf. comes mareschallus Angl', & prenobilis ordinis garterij miles, ac dilect' & fideles nostri W. C miles principalis Secretar' nostr', R. Catl' miles nuper scilicet termino &c. Anno reg' nostri &c. recuperauerunt versus prædictum & fidelem consiliarium nostrum N. B. milit' dominum custod' magni sigilli nostri Angl' ex eius assensu & ad eius requisitionem per bre nostrum de ingressu super disseisinam in le post secundum cursum formam & vsum communi recuperationi Manerr' de Redgraue, &c. in comit' nost' Suff. ad diuersos seperales vsus, intentiones, conditiones & proposita, specificat', & declarat' in quibusdam Indenturis factis inter ipsum N. ex vna parte & præfatos ducem W. R. &c. ex altera parte gerent' dat' secundo die Octobr', anno Reg' nostri primo prout per easdem Indenturas plenius appareret, cumque etiam ijdem dux W. R. &c. in Manerr', terr', tenementis, & cæteris premissis, cum pertin' virtute recuperac' prædict' intrauerunt, licentia nostra Regia inde prius non obtent'. Et de eisdem præmissis fuerunt seisit' in dominico suo vt de feodo, ad vsus, intenciones, & proposita in prædict' Indentur' specificat' & declarat'. Quæ quidem Manerr', messuag', terr' tenement' & cætera præmissa de nobis tenentur in capite, vt dicitur, Sciatis quod nos de gratia nostra speciali ac ex certa scientia & mero motu nostris, saluo nobis homag' nostr' perdonamus, remittimus & relaxamus pro nobis hæred' & successoribus nostr', transgressu in ea parte fact' ac omnimod'

intrationes, & ingressus in prædicta Maner' ten' tenementa & cætera premissa, seu aliquam inde partem siue parcellam, tam ante præsentem diem quoquo modo fact', siue perpetrat', quã impostea racionẽ alicuius vsus in ꝓdict' Indentur' specific' seu declar' fiend' seu habend'. Et vlterius concessimus ac pro nobis hæred' & successorib⁹ nostris, quant in nobis est, per præsentes concedimus præfat' duci W. R. &c. quod ipsi maneria, messuag', ter', & tenementa prædicta, ac cætera premissa cũ omnibus & singulis suis exit', reddit', profic', & pertin' quibuscunque (except' præexcept') habeant, & teneant sibi ac hered' & assignatis suis, ad vsus, intenciones, & proposita in Indentur' prædict' content' & specificat', de nob' hæred' & successoribus nostr' per seruicia inde debita & de iure consueta inperpet', absque impet', molest' vexacione, impedimento, seu grauamine, nostri, hæred' vel successor' nostr', aut aliquor' Iustic', Escaetor', vicecomit', Ballior', aut aliorum officiar', ministror', seu subditor' nostror', aut hæred' vel successor' nostor' quorumcunque. In cuius rei &c.

And it is to be noted, that of all licences to aliene tempozall land in Wozkmaine, the fine to the Quene is 5. yeares value of the same. A

Of all licences to aliene spirituall land (as appropriations of churches, oz other benefices spirituall) the fine to the K. is 4 yeares value thereof. B

Of all licences of alienation made of lands holden of the Quene in capite, the fine is the third part of the value, the tenth deducted. C

Of all pardons of alienation by the Kings tenant in capite, the fine is one yeares value thereof. D

Of all licences of mariage of the Quenes widow, the fine is the third part of the value of her dower by a yeare. E

Of all pardons of ỳ Quenes Widowes maried without licence the fine is the whole value of her dower by a yeare. F

Sectio 146

SECTIO. 148.

¶ Exemplification of a Recouerie with double voucher out of the Prothonotaries office.

A ELizabeth dei gratia Angliæ, Franciæ, & Hiberniæ Regina, fidei defenſor &c. Omnibus ad quos præſentes literæ noſtræ pervenerint ſalutem. Sciatis, quod inter placita terræ irrotulat' apud Weſtm̃. coram E. A. Milite & ſocijs ſuis Iuſticiar' noſtris de banco. Termiñ S. Hill', anno Regni noſtri 36. Rotu' x. continetur ſic.

B Ebor. ¶. Fr. W. & R. S. in proprijs perſonis ſuis, pet' verſus I. R. duodecim ac' prati cum pertinentijs in M. & K. vt ius & hæreditatem ſuam, Et in quas idem I. non habet ingreſſum niſi poſt diſſeiſinam, quam H. H. inde iniuſte & ſine iudicio fecit præfat' Fr. & R. infra triginta annos &c. * Et prædictus I. per W. W. Attornatum ſuum venit & alias voc' ad warrant' T. R. armigerum, qui modo per ſuam̃ ei in comitatu prædict' fact' per T. I. attornatum ſuum venit, & gratis prædictas duodecim acras prati cum pertinentijs ei warrant' &c. * Et ſuper hoc prædict' Fr. & R. pet' verſus ipſum T. teneñ per warrant' ſuam prædictas duodecim ac' prati cum pertinentijs in forma prædicta &c. * Et vnde dic' quod ipſimet fuerunt ſeiſiti de prædictis duodecim ac' prati cum pertinentijs in dominico ſuo vt de feodo, & iure, tempore pacis, tempore Dominæ Reginæ nunc, capiendo inde explec' ad valenc' &c. Et in quas &c. Et inde produc' ſectam &c. * Et prædictus T. tenens per warr' ſuam defendit ius ſuum, quando, &c. * Et vlterius voc' inde ad warrant' R. H. qui præſens eſt hic in Curia in propria perſona ſua. Et gratis prædict' duodecim ac' prati cum pertinentijs ei warrant' &c. * Et ſuper hoc prædict' Fr. & R. S. pet' verſus ipſum R. H. teneñ per warr' ſuam prædictas duodecim acras prati cum pertinentijs in forma prædicta &c. Et vnde dic' quod ipſimet fuerunt ſeiſiti de prædictis duodecim ac' prati cum pertineñ in dominico

Voucher.

Le dd' verſ. le 1. vouchee.

Le counſ.

Le defence.

Voucher ouſtr.

Dd' verſ. 2. Vouchee.

Le Counſ.

minico ſuo vt de feodo, & jure, tempore pacis tempore dominæ Reginæ nunc, capiendo inde explec' ad valentiam &c. Et in quas &c. Et inde produc' ſectam &c. * Et prædictus R. H. tenens per warrant' ſuam defend' iuſ ſuum quando &c. * Et dic' ep prædict' H. non diſſeiſiuit præfat' Fr. & R. S. de prædictis duodecim ac' prat' cum pertinentijs, prout idem Fr. & R. per breue & narationem ſuas prædict' ſuperius ſupponūt. Et de hoc ponit ſe ſuper patriam &c. Et prædict' Fr. & R. S. per' licentiam inde interloquendi. Et habent &c.

Le defence. Non diſſeiſiuit

Et poſtea idem Fr. & R. venerūt hic in Curia illo eodem termino in propria perſonis ſuis. Et prædictus R. H. licet ſolemniter exact' non venit, ſed in contemptum Curiæ receſſit, & defaltam fecit. * Ideo conſideratū eſt quod prædict' Fr. & R. S. recuperent ſeiſinam ſuam verſus præfat' I. de prædictis duodecim ac' prat' cum pertinentijs. * Et quod idem I. habeat de terra prædict' T. ad valentiam &c. Et quod idem T. vlterius habeat de terr' prædict' R. H. ad valentiam &c. * Et idem R. in miſericordia &c. * Et ſuper hoc prædicti Fr. & R. S. petunt breue dominæ Reginæ vicecom' comitat' prædict' dirigend', de habere faciendo eis plenariam ſeiſinam de prædictis duodecim ac' prati cum pertinentijs. Et eis conceditur, returnabile hic a die Paſch' in quindecim dies &c. Quæ omnia & ſingula ad requiſitionem prædictorum Fr. & R. S. teſtiote præſentium duximus exemplificand'. In cuius rei teſtimonium ſigillum noſtrum ad breuia in banco prædicto ſigilland' deputat' præſentibus apponi fecimus. Teſte E. A. apud Weſtmonaſterium duodecimo die Februarij. Anno Regni noſtri 36.

Default. Iudgement. Recouery in value. Miſericordia.

When the writ of Seiſin is returned, the returne thereof muſt be entred vpon the ſame Roll, whereon the iudgement was entred, as appeareth in the end of the next ſection.

SECTIO 149.

¶ *An other to the like effect.*

A E Lizabeth dei gratia Angliæ, Franciæ, & Hiberniæ Regina fidei defensor &c. Omnibus ad quos presentes literę nostræ peruenerint salutem. Sciatis quod inter placita terræ rotulat apud Westm, coram E. A. Milite & socijs suis Iusticiarijs nostris de banco, scilicet Termino Michaelis, Anno Regni nostri tricesimo quinto, Rotulo 12. continetur sic. Demand vers terr.

B Pettinq. ff. R. T. & R. B. in proprijs personis suis petunt versus P. T. generosum, & W. H. generosum, maneria de H. & M. cum pertinentijs, ac viginti mesuagia, decem tofta, vnum molendinum equinum, duo columbar, triginta gardina, quingent acras terrę, ducent acras prati, sexcent acras pasturę, trescent acras bosci, mille acras iampnorum & bruent, quingent acras moræ, & viginti solidos redd' cum pertinentijs in H. M. D. &c. vt ius & hæreditate suam, Et in quę ijdem P. & W. non habent ingressum, nisi post disseisinam, quam H. H. inde iniuste & sine iuditio fecit præfat R. & R. infra triginta annos &c. Le Count

C Et vnde dicunt quod ipsimet fuerunt seisiti de manerijs, tenementis, & redditu prædictis cum pertinentijs, in dominico suo vt de feodo, & iure, tempore pacis, tempore dominæ Reginæ nunc, capiendo inde explec' ad valenc' &c. Et in quę &c. Et inde producunt sectam &c. Defence per les terres

D Et prædicti P. & W. in proprijs personis suis venerunt & defend' ius suum quando &c. Et voc' inde ad warrant G. M. generosum, qui præsens est hic in Curia in propria persona sua. Et gratis, maneria, tenementa, & redditus prædict', cum pertinentijs, eis warrant &c. Demand vers vouchee

E Et super hoc prædict' R. & R. petunt versus ipsum G. tenen' per warrant suam maneria, tenementa, & redditus prędicta cum pertinentijs in forma prædicta &c. Et vnde dicunt quod ipsemet fuerunt seisiti de manerijs, tenementis, Count

& red-

& redditu prædictis cum pertinentijs, in dominico suo vt de feodo, & iure, tempore pacis, tempore dominę Reginę nunc, capiendo inde expleç' ad valentiam &c. Et in quę &c. Et inde producunt sectam &c.

Defence per vouchee Le reuouchee.

* Et prædictus G. tenens per warrant suam defendit ius suum quando &c. * Et vlterius vocat inde ad warrant D. H. qui similiter presens est hic in Curia in propria persona sua, & gratis maneria, tenementa, & reddit prædict' cum pertinentijs ei warrant &c. G H

Demand vers 2. vouchee. Le Count vers 2. vouchee.

* Et super hoc prædicti R. & R. petunt versus ipsum D. tenent per warrant suam maneria, tenementa, & reddit prædicta cum pertinentijs in forma prædicta &c. * Et vnde dicunt quod ipsemet fuerunt seisiti de maneriis, tenementis, & reddit prædictis cum pertinentijs in dominico suo, vt de feodo, & iure, tempore pacis, tempore dominæ Reginæ nūc, capiendo inde exples' ad valentiam &c. Et in quę &c. Et inde producunt sectam &c. I K

Defence per 2. vouchee. Non dist.

* Et prædictus D. tenens per narrationem suam defendit ius suum quando &c. * Et dicit quod prædictus H. non disseisiuit prefatos R. & R. de maneriis, tenementis, & redditu prædictis cum pertinentijs, prout iidem R. & R. per breue & narrationem suam prædicta superius supponūt. Et de hoc ponit se super patriam &c. L M

Li. Lo.

* Et prædicti R. & R. petunt licentiam inde interloquendi. Et habent &c. N

Le default

* Et postea iidem R. & R. venerūt hic in Curia isto eodē termino in propriis personis suis. Et prædictus D licet solemniter exact' non venit, sed in contemptum Curię recessit, & defaltam fecit. * Ideo consideratum est quod prædict' R. & R. recuperent seisinam suam versus prefatos R. & W. de maneriis, tenementis, & redditu prædictis cum pertinēn. * Et quod iidem R. & W. habeant de terra prædict' G. ad valentiam &c. Et quod idem G. vlterius habeat de terra prædict' D. ad valentiam &c. O

Iudgmēt inde

P

Recouery in value.

Q

Misericordia

* Et idem D. in misericordia &c. Et super hoc prædicti R. & R. petunt breue dominæ Reginæ Vicecomiti comitatus prædict' dirigend', de habere faciend' eis plenariam R

nariam seisinam de manerijs, tenementis, & redditu prædictis cũ pertinentijs. Et eis conceditur, returnabile hic a die S. Martini in quindecim dies.

S * Ad quem diem hic venerunt prædicti R. & R. in proprijs personis suis. Et Vicecomes scilicet I. B. Miles modo mandat, quod ipse virtute breuis illius sibi directi vicesimo quarto die No. vltimo pręterit, habere fecerit præfatis R. & R. plenariam seisinam de manerijs, tenementis, & redditu prædictis cum pertinentijs, prout per breue illud sibi pręceptum fuit &c. Quę omnia & singula ad requisitionem prædictorum R. & R. tenore præsentium duximus exemplificand'. In cuius rei testimonium sigillum nostrum ad breuia in Banco prædicto sigilland' deputat præsentibus apponi fecimus. Teste &c. Anno regni nostr' 36.

Returne de br̃ de seisin.

vide euersisti p̃ dicent q̃ tñs Recouer

SYMBO-

SYMBOLEOGRAPHY.

PARS SECVNDA.

SECTIO. 150.

Of offences, and Indictments.

AN Indictment is a bill or declaration made in forme of Law (for the benefit of the common wealth) of an accusation for some offence, either Criminal or Penal, exhibited vnto Iurors, and by their verdict founde and presented to be true, before an Officer having power to punish the same offence. And such an Indictment is made to thend to compell the partie accused to answere thereunto. A

In euerie Indictment two things seeme principally to be considered: First, the verie offence, for reformation whereof thindictment is framed. And then, the right forme of thindictment it selfe, according to the distinct qualitie of euerie seuerall offence. B

Wherefore as in my treatise of Extraiudicial Symbolæography I haue first discoursed how Obligations spring of consent, and then disclosed the seuerall formes of Instruments thereof: So in this I haue thought good first briefly to vnfold the sundry natures of Offences and defaultes, and how they bind thoffendor. And then, to lay downe the doctrine and seuerall formes of Indictments concerning the same. C

Sectio 150.

SECTIO 151.

¶ *An Offence.*

A AN offence therefore is a fact done vnlawfull and forbidden by nature or Law, whether the same be in committing or omitting, which for learning sake, may fitly be tearmed an offence, which may be termed a default, for in our Law, thought is free from offence.

SECTIO 152.

¶ *Indeuor.*

A BVt so is not indeuor many times, because therin, is guil and purpose to offend.

SECTIO. 153.

¶ *Offence priuate and publike.*

A AND euery offence is of the state, publike, or priuate, and is thereof so termed.

B The description of both which offences, is drawen sometime from the maner of doing: but may perchance more fitly be taken from the obiect which is hurt, vnlesse some thinke good to conioine them both.

SECTIO. 154.

¶ *Sympathie betweene the common wealth and her members.*

A FOr certes, when a priuate person is offended, it cannot lightly be denied, but that the comon wealth is thereby also offended, and againe, the comon wealth being endamaged, how can it be chosen but euerie subiect therof is also affected, as being a member of the same.

B So great a Sympathy and mutuall suffering being in them, as betweene the head and members of a mutuall bodie.

C But inasmuch as some offences done, more merely respect priuate wealth, and some other more merely the weale publike, those be termed priuate, and these publike.

Sectio 155.

SECTIO 155.

¶ *Offence publike and priuate.*

HEnce a publike offence, is a greeuous fault committed against the common wealth, A priuate offence is an offence against the wealth of a priuate person. A

SECTIO 156.

¶ *Offences binde.*

EVerie offence of his owne nature maketh thoffendour bound to the comon wealth, or to a priuate person, or to both, & not only they which actually cõmit offence, but they also which commaund, perswade, counsell, procure, abbet, ayde or consent that an offence be perpetrated, are censured to offende. A

SECTIO 157.

¶ *Offences named and vnnamed.*

AND offences be either named or vnnamed. A

Offences named be such offences as haue certeine names in Law. B

SECTIO 158.

¶ *Offences vnnamed.*

VNnamed offences be those which albeit they bin committed, yet haue they no certeine name sett forth in our law, whereby they may be called. A

SECTIO 159.

¶ *Offences named.*

AGaine offences named be either our own or other mens faults, by which we are bound, and they haue a certein name in Law, whereby to be termed. A

SECTIO. 160.

¶ *Offences simple.*

OVr owne proper offences be either simple or mixt. A

Our simple offences be such as be committed by our owne sayings or dædes. B

SECTIO. 161.

¶ *Offences mixt.*

AND the mixt be those which be committed by words and dæds both together. A

SECTIO

SECTIO. 162.

¶ *Offences by word.*

AOffences by sayings, onely be they by which the minde, dignitie, or fame of an other man (which is compared to life) is hurt and not his bodie, and these are also done by counsaile or by contumelious words.

SECTIO. 163.

¶ *Counsaile.*

ABy Counsaile, as through wicked perswasion.

BWicked perswasion is fradulent counsaile, giuen to any whereby his mind is corrupted and made worse to do or attempt any thing noughtly: which yet doth not induce necessitie to do the thing, though it bind him that giueth such counsaile.

SECTIO. 164.

¶ *Offence by word.*

AAN offence or crime by words, is when through peruerse words, the good name, credite, or dignitie of a man is impaired.

SECTIO 165.

¶ *Sclaunder.*

AAND it is either by voice or writing, and is called Slaunder, which is either against God or man.

SECTIO 166.

¶ *Sclaunder against God*

ASLaunder against God, is whereby the maiestie diuine is euil spoken off. Of this sort be blasphemie, magicke, heresie, apostasie, and periurie.

SECTIO 167.

¶ *Blasphemie.*

ABLasphemie is a wicked saying, or slaunder pronounced against God, touching his essence or word reuealed.

SECTIO 168.

¶ *Magicke*

MAgitions be those which by vttering of certein superstitious words

words conceiued, aduenture to attempt things aboue the course of nature, by bringing forth dead mens ghosts, in showing of things either secret or in places farre off, and in showing them in any shape or likenesse. These wicked persons by othe or writing written with their owne blod, hauing betaken themselues to the diuill, haue forsaken God, and broken their couenant made in baptisme, and detest the benefits thereof, and worship the deuil onely, And setling their whole hope in him, do execute his commandements, and being dead, commend both their bodies and soules vnto him.

SECTIO 169

¶ *Southsaying Wizards.*

OF this kinde of Magitians be all those which ensue, as Southsayers or Wizards which diuine and foretell things to come and raise vp euill spirits by certein superstitious and conceined formes of words. And vnto such questions as be demanded of them, do aunswere by voice, or else set before their eies in glasses, christall stones, or rings, the pictures or images of things sought for. A

SECTIO 170.

¶ *Diuination.*

THe professors of that of diuination which be puffed vp with propheting spirits. And can manifest who hath stollen thinges, and tell where things lost or stollen be. A

SECTIO. 171.

¶ *Iuggling.*

IVglers and sleightie Curers of diseases which for the curing of all sicknesses and sores of man and beast, vse eyther certeine superstitious words or writinges called charmes or spelles hanged about the necke or some other part of the body. A

SECTIO. 172.

¶ *Inchantings and Charming.*

INchaunters or Charmers through certeine words pronounced and characters or images, herbs, or other things applyed, A

applyed, thinke they can do what they list, the deuil so deceiueth them, or in verie deede dispatcheth those thinges which the Inchantors would haue done, from these somewhat differ witches or hagges, and Augurers or southsayers by birdes, diuinors, by seeing thintrals of beastes sacrificed.

SECTIO 173.

¶ *Witcherie.*

A A Witch or hagg is she which being eluded by a league made with the deuil through his perswasion, inspiration and iudgling, thinketh she can designe what maner of euil things soeuer, either by thought or impetication, as to shake the aire with lightnings and thunder, to cause haile and tempests, to remoue grene corne or trees to an other place, to be caryed of her familiar which hath taken vpon him the deceiptful shape of a goate, swine, or calfe &c. into some mountaine farre distant, in a wonderfull short space of time, And sometimes to flie vpon a staffe or forke, or some other instrument. And to spend all the night after with her sweete hart, in playing, sporting, banketing, dauncing, daliance, and diuerse other deuelish lustes, and lewd desports, and to shew a thousand such monsterous mockeries.

SECTIO 174.

¶ *Heresie.*

A HEresie, is a resolute and obstinate error in some article of our christian faith, 1. Timoth. 4. 1. 2. Peter 2. 1. 1. Cor. 11. 19. Rom. 16. 17.

SECTIO. 175.

¶ *Anabaptisme.*

A A Mongst Heretikes are numbred, Anabaptists, which wickedly yterate holy baptisme which haynous offence is verie greeuous, as by which the maiestie of almightie God, and the promise which in the first baptisme was effectuall are violated.

SECTIO. 176.

¶ *Apostacie.*

A Postasie followeth, which is a forsaking of the Christian faith. A

And Apostasie happeth two waies, either when any man partly revolteth from true religion into a wicked sect retaining still the name and title of Christianisme, or whē the contrary side of the Jewes or Paganes so please him, that he wholy forsaketh the profession of the Christiantie both in name and substance.

SECTIO. 177.

¶ *Periurie.*

PEriurie, is a lye affirmed by othe. A

So much of slaunderous speeches against God.

SECTIO. 178.

¶ *Slaunder against man by word.*

A Slaunder against man is an iniurie done to him by wordes or writinges. By wordes when any thing is said or done by words to the contempt or reproche of an other. A

SECTIO. 179.

¶ *By writing.*

I Niurie by writing is done by a slaunderous libell or picture. A

SECTIO 180.

¶ *By libell.*

A Saunderous libell, is when a libell, epigram, ryme or other writing is produced, written or composed to the note or contumely of any man, or the same procured to be bought or solde, that by that meanes the dignitie or fame of an other man may be hurt. A

SECTIO. 181.

¶ *By Picture.*

AN infamous or slaunderous Picture, is when any man to his infamy or ignominie is painted in any infamous or dishonest habit or sort, as hanging vpon the gallowes, A

or

or in some euill place or maner.

We haue shewed thoffences committed by words, by which a mans name or dignitie is harmed: let vs nowe hasten to those which are done by deeds.

SECTIO. 182.

¶ *Offences by deedes.*

AAnd they be said to be done by deede, not because they are not also done of minde and purpose: but for that they chiefly consist in the fact without which it may vneth be Iudged of their punishment. And for that such offences are not perpetrated against the minde, but the bodie eyther of man or of his goods, whether it be done mediatly or immediatly. Offences by deeds either altogether distroy a thing, or at the least impaire the same.

SECTIO. 183.

¶ *Destruction.*

ADestruction is the vtter killing or corrupting of things. And it is either of a fact permanent and apparant: or transitorie, and during but a little while.

SECTIO. 184.

¶ *Facts permanent.*

APermanent fact, is that whose verie steppes or prints abide, and are to be seene after thoffence done. Of this kind be slaughter and burning.

SECTIO 185.

¶ *Slaughter.*

ASlaughter is a killing done by any meanes, and it is eyther of man or beast.

SECTIO 186.

¶ *Homicide.*

AThe slaughter of Man is called Homicide, which is euerie taking away of life from any person bond or free, by man done with violence, by which the soul is seuered from the bodie, by what maner of means soeuer it chance, whether by sword, staffe, or other weapon, or by venim or poison, the cause of death be giuen.

SECTIO. 187.

¶ *Voluntarie.*

HOmicide is either voluntarie or casuall. A

Homicide voluntarie is that which is deliberate and committed of a sett mind and purpose to kill. B

SECTIO. 188.

¶ *Malicious.*

HOmicide voluntarie is either without precedent malice or with precedent malice. A

Of homicides voluntarie without malice precedent, some are commaunded, and some tollerated by law, and others forbidden. B

SECTIO. 189.

¶ *Commaunded.*

HOmicides voluntarie cõmanded by law are such as are don either for Justice sake, or vpon some vrgẽt necessity. A

SECTIO 190.

¶ *For Iustice.*

HOmicide for Justice sake, is thinflicting of ordinary punishmẽt vpon heinous offendors by death, which is dispunishable, yet in this case it behoueth the Judge & other officers to be free from desire of blod and priuate reuenge. A

SECTIO 191.

¶ *Necessarie.*

HOmicide vpon necessitie is either in the due and orderly execution of Justice, as the killing of thoffendors in felonie which resist or flee officers hauing warrant to arrest, or deteine them, or persons pursuing them with hue and crie, or ryotors resisting Justices of the peace, which come to arrest them, or prisoners resisting their gaylers, if such offendors cannot otherwise be attached or holden. So is it of persons ryeutously assembled resisting persons authorised to apprehend them, 1. Mariæ cap. 12. And likewise of offenders in parkes, forrestes, and warrens, resisting or flying away after hue and crie, 21. Edw. 1. A

and

and Burglers and Robbers all which homicides are diſpunishable, 26. Aſſ. 32. and diuers other in like caſes by ſundry ſtatutes.

SECTIO. 192.

¶ *Se defendendo.*

A HOmicide vpon neceſſitie in ones own defence is termed Se defendendo, & is where any man being aſſaulted by any other, flæth ſo farre as he can without ineuitable danger of death, and then in defending himſelfe killeth his aduerſarie, yet for this offence he loſeth his goods, and muſt procure pardon for his life, Glouc' cap. 9. 43. Aſſ. 31.

SECTIO. 193.

¶ *Forbidden.*

A HOmicides voluntarie forbidden by Law, without precedent malice is manſlaughter or homicide, or by chance medley, which is where two men, void of alformer malice and euil will, mæting together by chance, and vpon ſudden falling out, thone of them killeth thother with violence neither for Juſtice, nor in caſe of neceſſitie, Plow. fo. 100. & 101. 21. H. 7. fo. 23.

SECTIO. 194.

¶ *Homicide malicious.*

A THus much of voluntarie homicides without malice precedent, now of homicide voluntarie of malice preceding which is termed murder, & is the felonious killing through malice prepenſed of any perſon lyuing in this Realme vnder the Quænes protection.

SECTIO. 195.

¶ *Of a mans ſelfe.*

A AND it is either of himſelfe, or of an other.

B Homicide of the partie himſelfe, is termed felo de ſe. And is where any man of hatred conceiued againſt himſelfe, doth deſperately, wilfully and feloniouſly kill or deſtroy himſelfe by hanging, drowning, poyſoning or otherwiſe.

SECTIO. 196.

¶ *Murder.*

MVrder of others then the selfe partie, is the like wilfull and felonious killing of any other of premeditate malice. And if thoffendor did owe by Lawe vnto the partie slaine any ciuil obedience, it is in some cases termed petie treason. As if the wife kill her husband, the seruant his Maister or Mistres, or a Clerke his Ordinary, by reason of the reciprocall trust, and loyaltie which the law requireth betweene such persons, and this offence is therefore farre more heynous then any of thother homicides. A

SECTIO 197.

¶ *Homicide casuall.*

THus briefly of homicides willingly done, Homicide casuall which may also be termed, homicide by mischance, misfortune, or misaduenture, is when he that killeth an other, had no will, intent, minde, or purpose so to do, or the man is slaine by some other thing then a man. In which case thoffendor is to haue his pardon of course for life and land, but yet must lose his goods. And this homicide is either meerely casuall or mixt. A

SECTIO 198.

¶ *By Chance.*

HOmicide by meare chaunce, is when by meare fortune against the minde of the killer, a man is slaine. As if one hewing, the axe flieth of the shaft and kill one, or if a man lopping a tree warneth the bystanders, that the tree is readie to fall, and yet by the same some of them is slaine, or in throwing tiles from an house or such other lawfull actes, or the party is killed by some other thing then man by misfortune, as by falling from an horse or cart, by a stroke of an horse or any other moueable thing then man. In which case the thing which killed him, and all things that moued the same are forfaited to the Quéne, and termed a Deodand, as if a cart whéele go ouer a man and kill him, A

the

the wheele, cart, and al things therein, and the horses that drew the same be all Deodands, 3.E.3 vnde versus.

Omnia quæ mouent ad mortem sunt Deodanda. Dyer Fol. 78. pla. 37.

SECTIO 199.

¶ *Mixte.*

A MArt is when the killers ignorance, or negligence is ioined with the chance, as if a man lopp trees by an high way side, by which many vsually trauaile and cast downe a bough not giuing warning to take heede therof, by which bough one passing by, is slaine, in which case he offendeth because he gaue no warning that the partie might haue taken heed to himselfe.

Thus you see the diuerse kinds of Manslaughter.

SECTIO. 200.

¶ *Slaughter of beastes.*

A THe slaughter of beastes followeth by what meane soeuer it commeth, which is a damage done by iniurie and wrong guile or default against the Law, which might or ought to haue bin taken heed of. Of this offence springeth an obligation to the owner of the beast according as the value thereof shalbe estemed by a Iurie.

SECTIO. 201.

¶ *Burning.*

A THus farre of slaughters of man and beast: burning ensueth which is also felony, as the wilfull burning of a dwelling house 3.H.7.10. And burning of a barne adioyning to a dwelling house by night, 11.H.7.fo.1. And burning of a barne with corne not adioyning to a dwelling house by day.

SECTIO. 202.

¶ *Offences transitorie.*

A AND these concerning offences of contynuing facts, those

follow which are of transitorie or momentarie facts, as vnlawfull copulation, burglarie and theft.

SECTIO. 203.

¶ *Adulterie and fornication.*

VNlawful copulation, is euerie carnal coniunction had out of lawfull matrimony, and it is termed fornication or adulterie, which is first either natural or against nature, and either voluntarie or violent. Fornication naturally committed, is betweene man and woman, which if it be perpetrated betweene kinsfolkes, is said to be incest. Copulation violent is termed a rape or rauishment of a woman against her will, which is carnal knowledge had of a woman, who neuer consented thereunto before the fact nor after, and this offence is felony in the principall and his aydors, 11.H.4.13. 1.E.4.1. Westm̃ 2.cap.13. And carnal abuse of a woman child, vnder x. yeres old is felonie, 18.Eliz.cap.6. A

SECTIO. 204.

¶ *Sodomye or Buggerie.*

COpulation against nature, is by male or female against nature, or by female with female, or with beasts which is called Sodomye or buggerie. 25.H.8. cap.6. 5. Eliz. cap. 17. which be felony. A

SECTIO. 205.

¶ *Burglarie.*

BUrglarie is a felonious entring into an other mans dwelling house wherin some person is, or into a church, in the night time, to thend to commit some felony therein, as to kill some man or to steale somwhat thence, or to do some other such felonious act there, albeit he execute not the same, If thintent or fact of this offendor be to steal, this is like robberie, If to murder, it differeth not much from murderers, and so of other felonies. A

Sectio 206.

SECTIO 206.

Houſerobbing.

A THoffence againſt the ſtatutes of 23. H. 8. ca. 1. and 3. Ed. 6. cap. 9. ſomewhat reſemble this, for by them it is ordained, that if any perſon do robbe another in any part of his dwelling place, or in his booth, or tent, in any faire or market, and thowner, or his wife, children, or ſeruants being within the ſame, he committeth felonie.

SECTIO 207.

Theft.

A THeft enſueth, in which not ſo much the deſtruction of a thing, as the taking away of the ſame chaunceth.

B Theft is an vnlawfull felonious taking away of another mans moueable perſonall goods, againſt thowners

C will, with intent to ſteale them. And it is from the perſon, or in preſence of the owner, or in his abſence.

SECTIO 208.

From the perſon.

A THeft from thowners perſon or preſence, is of two ſorts, thone putting thowner in feare, thother not.

SECTIO 209.

Robberie.

A RObberie is a felonious taking away of another mans goods, from his perſon, or preſence, againſt his will, putting him in feare and of purpoſe to ſteale the ſame goods.

B And this robberie is ſometime termed violent theft, becauſe the partie is in the law thereby terrifyed.

SECTIO 210.

Without feare.

A THeft from thowners perſon, not putting him in feare, is by cutting or picking his purſe, and ſtealing the money, or purſe, or both: this is done ſleightly, without the owners feare and priuitie.

B But to perfect this offence, an actuall poſſeſſion of the thing

thing taken once seuered from the person of thowner, seemeth necessarie in thoffendor, and that the thing stollen, exceede the value of twelue pence.

Theft of goods in thowners absence, is termed Larciny, B which is nothing else but a felonious and fraudulent taking away of another mans moueable personal goods, not being vpon the person of thowner, nor in his presence. And Larciny in respect of ỳ things stollen, is either great or small: For great Larciny is, when the things stollen though they be taken at seueral times exceed the value of xy.s. And petie Larcinie is, when the goods so taken exceede not the value of xij.s.

SECTIO 212.

Hurting and violence.

NOw then crimes comming from the destruction of A thinges being thus hastily run ouer. Let vs step on to thother which haue their name of the hurting of the thing, and violent hurting destroyeth not the bodie, but harmeth and annoyeth it, and maketh either the bodie, or thestate and condition thereof worse.

SECTIO 213.

Hurtes to the bodie and commonwealth.

AND through certine offences is hurt to the common A wealth imediatly, and alwaies, or the members therof.

The common wealth is hurt either in respect of the amplitude and maiestie thereof, or of the profite and commoditie thereof, which is hindered or intercepted.

When the Amplitude and maiestie thereof is harmed, B the offence is called treason.

And these treasons be high treason, or petie treason: C High treason is, when thoffence is done against the seuritie of the common wealth or of the Quenes most excellent maiestie, who is the true and vndoubted Soueraigne and

and chiefe head thereof: whether it be by imagination, word, or deed, as to compasse or imagine treason, or the death of the Prince, or of the Quéne his wife, or his sonne and heire apparant, or to deflower the Kinges wife, or his eldest daughter vnmarried, or his eldest sons wife, or leuie warre against the King in his Realme, or to adhere to his enimies, aiding them, or to counterfet the Kinges great seale, priuie seale, or money, or wittingly to bring false money into this Realme, counterfaited like vnto the money of England, and vtter the same.

D Or to kill the Kinges Chauncellor, Treasurer, Justice of thone beneh or of the other, Justices in Eire, Justices of assise, Justices of oyer, and terminer being in his place doing of his office 25. Ed. 3 cap. 2.

E Forging of the Kinges signe Manuel, or priuie signet, priuie seale, or forraine coine currant within this realme,

F 2. Ma. c. 6. Diminishing or impairing of money currant, 2.

G El. c. 11. & 18. El. c. 1. The second offence in refusing thoth of supremacie, 5. El. c. 1. or the compassing to deprive the M. of

H her crowne, 1. El. c. 6. or to destroy the Quéne, 1. Eliz. cap. 6.

I Or to leuie warre within the Realme against the M. 1.

K Eliz. cap. 6. Or to affirme that the Quéne or the heires

L of her bodie, is not or ought not to be M. of England.

Or that any other ought, 1. Eliz. cap. 6. Or intending

M the bodlie harme of the Quéne. 13. Eliz. cap. 1.

Or to leuie warre against the Quéne. 13. Eliz. cap. 1.

N Or to moue forreine inuasions of this realme. 13. Eliz. cap. 1.

O Or to declare, that the Quéne is not Quéne. 13. Eliz. cap. 1.

P Or to declare that any other ought, &c. 13. Eliz. cap. 1.

Q Or to affirme the M. to be an heretike, scismatike, tirãt, infidell, or vsurper of the crowne. 13. Eliz. cap. 1.

R Or to claime the crowne after the Quéne. 13. Eliz. cap. 1.

S Or to affirme that ỹ common lawes or statutes cannot bind

bind the right of the crowne. 13. Eliz. cap. 1.

Or to maintaine thauthoritie of the Bishop of Rome, 5. Eliz. cap. 1. T

Or to obteine any Bull from Rome, 13. Eliz. cap. 2. V

Or to giue, take, or promise absolution thereby. 13. Eliz. cap. 2. W

Or to conspire to enlarge any imprisoned by ỹ Quenes commaundement for treason touching her person or suspition thereof. 14. Eliz. cap. 2. X

Or to withhold any of the Quenes castles, or holdes, 14. Eliz. cap. 1. Y

Or any of her shippes or ordinance of warre, 14. Eliz. cap. 1. Z

Or not to render the same castles, within fiue daies after proclamation. 14 Eliz. cap. 1. a

Or to distroy any of the Quenes shippes. 14. Eliz. cap. 1. b

Or to barre any of the Quenes hauens. 14. Eliz. c. 1. c

Or to perswade any subiect from naturall obedience, or religion: or to thobedience of any other, or to be so perswaded. 23. Eliz. cap. 1. d

Or for Iesuits to come into, or be in this Realme. 27. Eliz. cap. 2. e

Or to be a seminarie, and not returne into this religion within fiue moneths after proclamation, and take the othe of allegiance. 27. Eliz. cap. 2. f

It is also to be noted, that all maner of accessaries to the seuerall treasons aboue mentioned, are guiltie of high treason. g

Or of misprision of treason, which is the concealment or not disclosing of knowen treason; for which thoffendors are to suffer imprisonment during the Quenes pleasure, lose their goods, and the profite of their landes during their liues. 2. R. 3. f. 9. h

Sectio 114.

SECTIO 214.

Offences hindering the commoditie of the common weal. h.

A NOw succæde thoffences which hinder the commoditie of the common wealth.

B The profit of the common wealth is hindered diuerse waies, as by forestalling, engrossing, regrating, by idlenesse of apprentices, artificers, and seruants, decaying of the brēde of beastes, destroying of fish, by conspiracies of artificers and chapmen, by not destroying of vermin, as Fores, Bawsons, Crowes, Choughes &c. Or by making or vttering any stuffe, victuals, or wares deceitfull, corrupt, or insufficient, by not obseruing due weights, & measures, or by transporting of things nēdfull in England, as raw hides, tallow, woll, lead, corne or graine, by erecting of cotages, and brēding of crecēding many poore people. And by sundry other meanes, as plainly appeareth by sundry statutes and ordinances made for reformation thereof. Of all which particularly to discourse, would occupie more time then I haue now determined to bestow about the same.

C Forestalling, is the buying or bargaining for any victual or wares, comming to be sold towardes any faire or market: Or from beyond the seas towards any citie, porte, hauen, creke, or rode of this realme, and before the same be there.

D Or the moning of any person to enhaunce the price of the same victuals or wares, or the dissuading to bring it thither to be sold. 5. Ed. 6. cap. 14. 5. Eliz. cap. 12. 13. Eliz. cap. 25.

E Regrating, is the buying and selling of any wares or victualls in the same market, or faire, or within fower miles thereof. 5. E. 6. cap. 14. 5. Eliz. cap. 12. 13. Eliz. cap. 25.

F Engrossing, is buying of corne growing, or dead victual

to

to sell againe: except barly to malt, oats for oatmeale, and victuals to retaile, badging by licence, and buying of oiles, spices, and victuals, other then fish and salt. 5. Ed. 6. cap. 14. 5. Eliz. cap. 14. 13. El cap. 25.

SECTIO 215.

Offences against Subiectes.

IN these fewe, haue we touched such offences as immediatlie, and alwaies are committed against the common wealth it selfe: now will we intreat of those which alwaies for the most part are perpetrated violently against the inferiour members of the same (that is to say) either priuate men themselues, or their goods, which are effected partly by force, and partly without force. A

Force is an offence by which violence is vsed to things or persons. B

And force is either simple or mixt. C

Simple force is that which is so committed, that it hath none other crime adioyned vnto it. As if one by force only entreth into another mans possession, without doing any other vnlawfull act there. D

Mixt force is that violence, which is committed with such a fact, as of it selfe onely is criminall: as if any by force enter into anothers possession, and kill a man, or rauish a woman there &c. E

And those offences which are atchieued with force, are done by true force, or by force after a certaine sort. F

Those offences which are finished by true force, are either done by men assembled, or without men assembled. G

And force with men assembled is priuate or publike. H

Priuat force is whē any w̄ weapons by men assembled, doth inuade the goods or body of another. As trespas by entring into ground, or taking of his cattell, or other goods, imprisoning of a mans bodie, or beating of him with ones fist, or rescues of a trespas, poundbreach, or otherwise without weapon and such like. I

Publique

K Publique force is that violence which is done by any mẽ assembled with any kinde of weapon whatsoeuer, as by forcible entrée, keeping of possessiõ of benefices, chappels, houses, or lands, or offices, vnlawful assemblées, routs, riots, rebellions against &c. 1. Mar. cap. 12. 1. El. cap. 17.

L A forcible entrée is a violent actuall entrée into a house, or land &c. or taking a distresse of any person weaponed. Whether he offer violence or feare of hurt to any there, or furiously driue any out of the possession thereof 5. Ric. 2. cap. 7. 15. R. 2. cap. 2. 8. Hen. 6. cap. 7.

M A forcible deteining or withholding of a possession, is a violent act of resistance by strong hand of men weaponed with harnesse or other occasion of feare in the same place or else where, by which the lawfull entrée of iustices or others is barred or hindered. 29. Ass. 49.

N An vnlawfull assemblie, is the meeting of three or moe persons together, with force to commit some vnlawfull act, and abiding still, not indeuoring the execution thereof, as to assault or beat any person, or enter into his house or land &c.

O A rout is an assembly of 3. persons or moe, going on about forcibly to commit an vnlawfull act, but yet do it not. Brooke tit. Riot 4. 5.

P A riot is the forcible doing of an vnlawfull act by three, or moe persons assembled together for that purpose.

Q A rebellious assembly, is an assembly of twelue persons or moe intending, going about, practising, or putting in vre vnlawfullie of their owne authoritie to chaunge anie lawes, or statutes of this realme, or to distroy thinclosure of anie parke, or ground inclosed, or the bankes of any fishpondes, pale, or conduit, to thintent the same shall remaine voide, or to the intent vnlawfully to haue common or way in anie of the said groundes, or to distroy the Deare in any parke, or any warren of Cunnies,

or

or doue houses, or fish in any pond, or any house, barnes, milles, or baies, or to burne stackes of corne, or to abate rents, or prices of victuals. 1. Mar. 12. ca. 1. Eliz. cap. 17. Also by the same statutes an vnlawfull assembly may be of persons aboue the number of two: but that offence is neither so heinous, nor so sharplie to be punished.

It followeth how force may be committed without a multitude. This kinde of force comprehendeth euerie harme, hurt, damage, losse, hinderance, and daunger, besides death happening to any good, quicke or dead, moueable, or vnmoueable, or to men, either culpa, or dolo, that is negligentlie and vnwittinglie, or guilefully and of set purpose, whether it be assaulting, beating, wounding, maiming, or hurting, bruising, or empairing of the body of mã or beast by any meanes: Or the bruising, breaking or empairing of any other thing whatsoeuer without a multitude, also breaking of prisons, to escape thence, breaking of houses to steale some thing thence, or to do some felony there, which being in the night is termed burglarie whereof we haue spoke before entreating of theft. In this ranke also may be placed the pulling vp or remouing of meares, bondes, or markes, set for the deuiding one mans land from anothers, and many other such trespasses wherin is none apparant force or terror, as to hawke, hunt, fish, or fowle, or to cut, eate, treade or foule grasse in another mans soile vnlawfullie, 11. Ass. 16. 11. Hen. 8. 4. 16. 21. Edw. 3. 34. S

Hetherto of offences done by true force indeede: now of such as are not properlie done with force and violence, but by intendment of the lawe onelie: of which sort be bribery, extortion, eraction, priuate imprisonment, and certaine other like misdemeanors. T

Those offences of briberie, extorcion, and eraction, are committed when any for feare of his iudgement, office, or other power, or authoritie, or for any other terror eracteth, extorteth, V

extorteth and wringeth money or other things from another man, as Sherifs, Coroners, or other officers, Auditors Receiuers, Escheators, custos breuium, Chirografers of fines, Admirals, Marshals, Criers, maiors, bailifs, clarkes, wardens of felowships, iudges, bishops, ordinaries, or other officers whatsoeuer for reformation of which, see the seuerall statutes thereof, in that behalfe prouided.

X To this crew as it seemeth, may be referred the exaction of vnlawfull vsurie: which is taking of any thing of anie man for the lone, or giuing day of paiment of money. 37. H.8.cap.9. 13.Eliz.c.10.

Y And all vnlawful games, which be all games, but shooting 33.Hen.8.c.9.

Z And euery other taking of more then is due by colour or pretence of right, as the taking of excessiue toll by millers, or others, or of excessiue prices for ale, bread, victuals, wares, or other things &c.

SECTIO. 216.

Offences springing from words and deedes.

A SO much then of single offences, springing from onely wordes, or onely deedes. Now follow those which issue from both together, as those which arise from the crime of falshode.

B The offence of falshode is a guilefull and fraudulent imitation of the truth against the law, and it is committed either by word or by deed.

C Falshod by word, is by lying, as if any man should faine vnto himselfe a false name or sirname, or say, he is another man then he is to deceiue some other: or by periurie which is a lie affirmed by oath.

D Falshod by deed is as if a man write or signe, a false testament or falslie set downe therein some legacie or trust to himselfe, without the mind of the testator, or if a

man make a false déed, or accompt, or other instrument, or if he bribe or corrupt a iudge, or de raze, chaũge, or corrupt any writing, to the defrauding of another man, or do conuey, remoue, or take away, suppresse, conceale, or falsifie signe a testament or counterfait another mans hand in writing, or to counterfaite or vtter false money, or to adulterate, embase, shaue, file, chippe, wash, or empaire the currant coine of England, or counterfait the handes of magistrates, and certificates, testimonials, or licences in their names, or to vse false weights, measures, or standards not agreeable with the standard. To corrupt or suborne false witnesses. To make false accomptes or reckonings.

Hetherto may we referre maintenance, and champarty in sutes, embracing or enueigling of Iurors, forging of false and fraudulent writings, making of fraudulent feoffements, leases, and dedes of gift, or rather false grauntes, or conueiances of landes, or goods, to defraude true creditors, fraudulent conspiring of any mans death, to auow and vndertake vpon one to defend other mens quarrels, to be patron to the causes of others, by lending of ones name for meed, or fauour, of an offendor, or to vexe, prouoke, or reuenge.

Also falsly to collude in pleading, or to betray, or lose his clients cause wittingly, or falsly discontinue & forsake his clients sute.

SECTIO 217.

Other mens offences, and howfarre they bind vs.

WE haue intreated of our owne offences: other mens succeed, namely, when, and how far we are bound by them.

And we are bound by other in offences, when we are tyed by the faults of our family, or of our beastes.

Our family offendeth by lying, or casting, or banging of

of any thing in the high way, whereby it is ſtopped or hindred: which offence is called a Nuſance.

D We are bound by many treſpaſſes of our wiues, but not to ſuſtaine corporall puniſhment for their offences.

E Alſo if our beaſtes or cattell offend in eating other mens corne or graſſe, or in hurting or killing the beaſtes, or cattell of others, we are bound by it, or if our dogges, beares, or lions, boares, &c. hurt the goods or cattell of any other, we are bound thereby, for that we ought to gouerne them.

SECTIO 218.

Offences vnnamed.

A Though of named offences, it remaineth that we view thoſe which be vnnamed.

B For when the variety of offences grew ſo manifold, that all could not be diſtinguiſhed by ſpeciall names, it was appointed that proper or ſpecial names aforeſaid, failing, the offence of coſening, and deceit, ſhould come in place.

C The offence of coſening taketh place, if any thing be done by guile in, or out of contracts, which will not agree with any of the ſaid offences, as if any vſe colluſion or fraud towards the death, or defrauding of another, ſhifting of counterfait ware into the place of others: or to exact a greater ſome then is due, or a debt which is paid, or ſell, or pledge any thing to two ſeuerally at one time, or that thing which is another mans for his owne, knowing it to be another mans: or to pledge copper, or other baſe mettall for gold, or ſiluer &c.

D Deceit is a ſubtil wile ſhift or deuiſe hauing none other name. Hereunto may be drawen all maner of craft, ſubtilty, guile, fraud, wilineſſe, ſlightneſſe, cunning, couin, colluſion, deceit, deuiſe, practiſe and offence vſed to deceiue an other man by any meanes which hath none other proper or perticular name but offence.

Sectio 219

SECTIO 119.

Of Inditements as remedies for the former diseases.

THus haue wee rather slightie shadowed, then perfectly A
portraied the vglie shape of such enormious offences, as
with their deformitie most blemish the bodie of our beau-
tifull, (otherwise flourishing) common wealth. Now there-
fore we are to show the waies how to prepare remedies
for the same, which must be done by inditements, in which
are chiefly to be eyed the matter and forme.

The matter or obiect of inditements is nothing else but ẏ B
seueral offẽces & facts vnlawful, before described, in which
ẏ very fact it self & the circũstãces therof are to be waighed.

Touching thoffence or fact it selfe, we are here fully to
regard the verie nature and qualitie of thoffence, as whe- C
ther it be treason, felonie, trespasse, deceit, or some other
offẽce, & of what seueral kind it is, & whether it be punish-
able by the common law, or by some penal statute, that the
inditement thereupon may be framed accordingly.

The circumstances of the fact are seuen, that is to say, D
cause, person, time, place, qualitie, quantitie, and euent.

Touching the cause of thoffence we are to waigh whe- E
ther thoffence be of cause iust or vniust: whether by chance
or of malice & purpose, or vpon a sudden, or by negligence,
or by guile, which maketh some homicides lawfull, some
punishable, and that in seuerall degrees.

The person is in 2. sorts to be regarded, that is, as he is F
agent or patient. For it is not all one for infants and men
of full age, and for men mad, lunatickes, and Idiots, to of-
fend And otherwise in many cases are they to be punished
which offend God, ẏ common wealth, magistrates, or their
maisters, and superiours, then they which offend others.

The time also in offences maketh difference betweene G
offences, as in Larceny and burglarie.

The place in like manner maketh the selfe same fact ei- H
ther theft, burglarie, or sacrilege.

By

W By the consideration of the qualitie wee discerne whether an offence be hainous or not, and whether it stand in committing, or omitting.

X The view of the quantity of thoffence sheweth vs whether it be punishable by death or otherwise, & if by death, what maner of death, and regardeth the custome, or itteration thereof.

Y The euent loketh to the finall cause, purpose, or issue, of the fact, whether it be casuall, or voluntarie.

Z All which circumstances, are partly seene before, in the verie handling of thoffences: now let vs loke more specially into the forme of thindictment.

SECTIO 220.

Of the forme of Indictments.

A IN the forme of euerie inditement, besides thordinarie wordes of forme, precise certentie to euerie intent is to be as warilie loked vnto, as in declarations in ciuill suits and returnes of shiriffes 3. Hen. 7. f. 11. & 12. 3. Ed. 4. 21. otherwise is thinditement insufficient: for inditements & appeals be the verie base and foundation of euerie crimnall controuersie.

B This certenty consisteth, first in the name and surname of the partie indited, both principall and accessorie.

C 2. In the certain name and surname of ỹ party offended.

D 3. In the certeinty of time, wherein thoffence is done, as the certeine day, yeare, yea and many times the verie hower is expressed.

E 4 In the place where thoffence is perpetrated.

F 5 In the verie matter of the fact, and nature of thoffence committed, as whether it be treason, felony, trespasse, deceite, penal statute &c.

G 6 In the name and value of the thing, in which thoffence is done.

H Unto the name of the partie indicted must be united the additiõ of his estate, degrée, or misterie, & the shier, & town,

hamlet, or place of his thē, or late dwelling or cōmorans: all additiōs which signify any lawful estate, degrée, or mistery, are good: whether they be of dignity by creation, as duke, marques, earle, vicoūt, archbishop, bishop, knight, seriant at ẏ law, or without creatiō, as barō, esquier gentleman, which are names of dignitity without creation.

Also aldermā, doctor, archdeacō, deane, parson, parish clark, I
widow, single woman, be good additiōs of estate or degrée: but fermour, seruāt, butler, &c. are not, for that they are cōmon to gentlemē, yeomen &c. & so incerten, marchāt, grocer tailer, shoemaker tāner, currier, broker, husbandmā, ostler, habberdasher, miller, draper, goldsmith, butcher, chapmā, labourer, spinster, & euery other additiō of any lawful occupation, be good additiōs of mistery. But neither chaūce- K
lor, treasuror, chāberlein, sherif, coroner, eschetor, hailife, archdeacō, deacō, prebēdary, parsō, nor such other names of dignity by reasō (only of office) are good, but wher such persōs be charged for offence, by reason of their offices: nor citizē, for it neither nameth any mistery, art, nor degrée: neither extorcioner, bākrupt, rogue, vagabōd, vsurer, heretik, scismatik, dicer, bowler, carder, nor such like, being against the law. If the place whereof thoffendor is or was, be an L
hālet, & there be diuerse hamlets in one towne, he may be named either of ẏ town or hamlet: but if it be only a place knowē a town, & not an hālet, he must be named of ẏ town. 13.H.6.f.30. if ẏ town where ẏ offendor dwelleth beare one selfe name with ẏ parish, he may be named of either: but if there be 2. towns of one name, in one parish, he ought to be named of ẏ parish 4.E.4.f.129. 22.E.4.f.22. &. 22.H.6.f.41.

Alias dictus in Indictments is not necessary. Thadditiō of M
ẏ degrée or mistery must be such, as the party hath at ẏ very time of thindictments: but he may be termed nuper of any place wherof he hath bin at any time before, but it is best to name him of ẏ place of which he is or last was: thus Iurator p dña Reg' p̄sent q̄ I.S. nup de D, in com̄. Essex husbandmā &c. And further, ẏ time of thoffēce cōmitted must N

be thus set downe, as in personall actions 5. die Febr. anno regni dñe nostr̃ Eliz. dei gracia Angl' &c. And in some indictments, as of murder, & burglary, ỹ very hower is to be expressed, as hora 6. ante merid' (if it were before noon) & post mer̃ (if it were after) eiusdẽ diei: if thoffence be committed after none & before midnight, it must be laid in ỹ same day if after midnight, & before sun rising, then in the day following: & if the time be expressed by ỹ yeare of our L. God (as it may be) then ỹ yeare beginneth vñ vs euermore vpon ỹ 25 day of March: but in indictments which present that a thing is omitted, or not done, there nedeth no time of the not doing or omission thereof be set forth, as that a ditch was not skowred, by means wherof meadowes be ouer-
O flowen, & such like. If a man be stricken or poisoned in one countie, and dieth thereof in another countie, thindite-
ment may be in the county, where ỹ death hapned 2. & 3. Eliz. c. 24: & if one become accessary in one coũty to a mur-
der or other fellony done in another, he may wel be indicted
P in the county where he was accessary. He which robbeth in ỹ county of D. & is taken with ỹ maner in the countie of S. may be indicted of theft where he is so apprehended,
Q but not of robberie, but in the coũtie where thoffence was done. The place is thus to be set downe apud B. in comit. C. For it is not good to say in com̃ prædꝯ referring to the name of ỹ county written in ỹ margent of thindictment: & the place of ỹ offence is sometime more specially set down thus, apud B. in com̃ C. in quodã loco ibid' vocat̃ ỹ northclose &c. also it is to be regarded, ỹ if a coũtie be deuided into seueral diuisions, so that those which be Justices in one diuision, be not Justices in another diuision therof, as ỹ county of Yorke, which is diuided into 3. diuisiõs, called ridings, as ỹ westriding, eastriding, & northriding: it is requisite ỹ it be expressed in thindictment, in which of the diuisions or ridings thoffece hapned, as apud R. in Westriding in comit̃ Ebor̃ in quodam loco ibid' vocat̃ the lodge &c.

Albeit ỹ name of the person to whõ thoffence is cõmitted be in many cases required, yet an inditement q defendens bona & catella cuiusdam ignoti felonice cepit &c. in theft or quendam ignotum felonice depredauit &c. in robberie is good for the Quẽnes aduantage of the forfeiture thereby accrewing, so is it as it seemeth quod vi & armis &c. insultum & affraiam in quendam ignotũ fecit &c. Dier. f. 99. p. 61. & 285. p. 38. But if the goods of a church be taken away, thinditement must be quod bona parochianorum in custodia gardianorum ecclesiæ de C. existeñ ceperunt, & asportauerunt &c. if the goods of a man be taken, who maketh his executors & dieth, thinditemẽt must be, bona testatoris &c. but if they be taken after the testators death, it shalbe bona testatoris in custod' executr existeñ &c. a graueston is de bonis ecclesiæ. coat armour hanged ouer a tombe, be ỹ goods of the dead mans executors: goods taken from one, are the goods of the trespasser, vntill thowner haue reconti-nued his property: goods bailed, are said, bona, of the owner in custodia ballui. The names of things in which the offence is committed ought also to be certeinly mẽtioned, in inditements, dead things may be called, bona & catella, expressing their names certeinly, as appeareth hereafter: but of liuing things we must not say: bona & catella, but vnũ equũ or 2. equos & ouẽ, bouẽ. &c. And the value of those things in which offences are cõmitted is vsually cõprised in inditements, which seemeth necessarie in theft to make a difference frõ petie Larciny, & in trespas, to aggrauate ỹ falt & increase the fine, but no price of things ferę naturę may be exprested, as of dære, hares, &c. if they be not in parks or warens, which is a liberty. 8. E. 4. f. 5. nor of charters of lãd. And where ỹ number of ỹ things taken are to be exprested in thinditement, as of yong doues in a douehouse, yong haukes in a wood, there must be said precij, or ad valentiam: but of 1. liuing thing, or or of one dead thing only, it is pretij & not ad valẽt: but of diuers dead things ad valent, & not ptij.

R

S

T

V

W

Of

Of coine not currant, it shalbe prætij, but of coine currant shall neither be said prætij, nor ad valentiam. For the price and value thereof is certein, but of counterfeit coine, shal be said ad valentiam, and in counterfeiting of coine shal not be said x.li. libras in denarijs dominæ Reginæ, nor in pecunia dominæ Reginæ, but ad instar pecuniæ dominæ Reginæ.

X The verie maner of the fact or dæd it selfe, and nature of thoffence must also be mentioned in thindictment, as in escape, for prison breaking, must be expressed, for what felony the offendor was apprehended, and imprisoned. And for counterfeiting of money must be shewed to what the counterfeit is like, as groats, shillings, &c. And in murder and manslaughter, the stroke whereof death ensued, Dyer fo.99.pl.63. And for slanderous words against the Quæn, the very words must be certenly set downe. And for entrie into house, land, or tenements, must be expressed, what maner of house, lands, or tenements, as a messuage, a cotage, arable land, meadow, pasture, or wood.

Y And where in any Indictment, seueral acts be layde to make vp thoffence which may be done at seuerall times and places, both the times and places must be certenly expressed, as in murder and manslaughter, thassault and the striking, as apud B. in Com̃ E. &c. in quendam I.S. insultum fecit, & ipsum I.S. cum quodam gladio prætij &c. adtunc & ibidem felonice, & ex malitia sua præcogitata percussit & murdrauit. And in theft, the thing stollen must certenly be layde downe, 22. Ass. pla. 75. & 29. Ass. 45. And an Indictment against an accessorie, must shew what felony ỹ principall committed, and that knowing it, receiued the felon feloniously, 7. H. 6.

Z Touching the seueral natures of seuerall offences, it is to be noted, that in Indictments of treasons, the fact must be necessarily said to be done, proditorie of murder, murdrauit, and of manslaughter, and all other felonies, the dæd must be sayd to be done felonice, & in burglary, Burglariter,

or

or intentione ad feloniam siue murdrum faciend' &c. In rape felonice rapuit, in theft, felonice cepit & asportauit, if it be a dead thing, if liuing abduxit, or felonice furatus est. In petty Larceny and mayme, must also be said, felonice.

And notwithstanding the statute of 37. H.8.ca.8. it is not amiss in euerie Inditement conteining felonie or trespasse, to vse the words (vi & armis) viz. gladijs, baculis cultellis &c. And in Forcible entre vpon the statute of 8. H.6.ca 9. must be manuforti &c. or cum multitudine gentium &c. And in Inditement found vpon statutes it seemeth not needfull to recite the statute verbatim, as hath bin heretofore vsed, and namely, if the statute be generall 5. H.5. 11. 30. Ass. 38. But fully and certeinly to describe thoffence against the tenor of the same Statute. And then conclude with these wordes, Contra formam statuti in huiusmodi casu prouisi & editi: If there be onely one Statute of that offence, but if there be diuerse concerning the same, then the conclusion must be, Contra formam diuersorum statutorum in huiusmodi casu edit' & prouisorum &c.

And it is specially to be noted that in Indictmentes grounded vpon penall Statutes (other then for tillage) giuing the penaltie to the Quéene only, may be exhibited at any time within two yeres after the offence. But if the benefit bee to the Prince and another person, it ought to bée sued for such person and the Prince within one yere. And for the Prince alone within three yeres. if shorter time be not in that behalfe limited in such penal Statutes, 31. Eliz. cap. 5.

But the formes of Indictments will best appeare in the following examples, which for the readers ease I haue here Alphabetically set downe as ensueth.

SECTIO.

SECTIO. 221.

¶ *For keeping an Alehouſe or Tiplinghouſe.*

A IVratores pro Domina Regina præſentant, quod A. B. de C. in dict' comitatutu E. **yeoman**, viceſimo die menſis Octobris, Anno regni Dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris, &c. Triceſimo, & continue multis diebus poſtea, viz. vſque primum diem dicti Octobris, Anno ſupradicto, apud C prædict' in comitatu prædicto, obſtinate atque ex auctoritate propria ipſius A. B. & ſine vlla Iuſticiariorum pacis dictæ Dominæ Reginæ in comitatu prædicto admiſſione aut allocatione, aſſumpſit ſuper ſe cuſtodire, & & cuſtodiuit vnam communem Tabernam (Anglice vocatam a **comuon Tipplig houſe**), & ibidem dicto viceſimo die, & dictis diebus tum poſtea, communiter & publice vendidit ceruiſiam, & potum (Anglice dictum **Ale & Bœre**) diuerſis dictæ Dominæ Reginæ ligeis & ſubditis. In dictæ dominæ Reginæ contemptum, ac contra formam cuiuſdam Statuti, in parliamento domini Edwardi nuper Regis Angliæ ſexti, tento apud Weſtmon Anno regni dicti domini Edwardi quinto, in huiuſmodi caſu prouiſ. & editi.

SECTIO 222.

¶ *For ſilke in Apparell.*

A IVratores pro Domina Regina præſentant, quod A. B. de C. in dicto Comitatu **Tailor**, natus infra hoc regnum Angliæ, videlicet, apud C. prædictam, ſed filius aut hæres apparens alicuius militis, aut filius hominis altioris gradus non exiſtens, nec potens expendere per annum viginti libras, in terris, tenementis, feodis, officijs, aut alijs annuis reuentionibus, pro termino vitæ ſuæ: nec valens ducentas libras de bonis ſuis proprijs: nec vnquam

Maior,

Maior, Balliuus, Aldermanus, aut capitularis officiarius in aliqua Ciuitate, burgo, aut villa corporata exiſtens, nec dictæ dominæ Reginæ ſeruiens in ordinario (vtens dictæ dominæ Reginæ liberata) exiſtens: 20. tamen die Octobris, anno regni dictæ dominæ noſtræ Elizabethæ, Dei gratia, Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris, &c. Triceſimo apud C. prędictam in comitatu prædicto, per totum dictum 20. diem Anno ſupradicto, in interiore parte cuiuſdam pilei ſui (Anglice vocati a Cap) quodam ſerico (Anglice dicto Taffata) (ad valorem 2. ſolidorum) illicite & palam vſus eſt: contra formam cuiuſdam Statuti, in parliamento Philippi & Mariæ nuper Regis & Reginæ Angliæ, tento apud Weſtm in comitatu Middleſex, Annis regnorum ſuorum, primo & ſecundo, in huiuſmodi caſu prouiſi & editi.

SECTIO. 223.

¶ *For vſing an Art againſt the Statute.*

IVratores pro domina Regina præſentant, quod A.B. de A
C. in comitatu E. Mercer, viceſimo die menſis Maij, Anno regni dictæ dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris, &c. triceſimo primo & multis alijs diebus continue poſt dictum diē per ſpacium duorum menſium, extunc prox ſequent, videlicet, vſque triceſimum diem Iulij, anno ſupradicto, apud C. prædictam in comitatu E. prędicto, quandam artem, ſiue myſterium (Anglice dictum Mercerie) illicite pro lucro ſuo proprio vſitauit & exercuit: tunc ibidem vendendo diuerſas merces (Anglice vocatas Mercerie wares) diuerſis dictæ dominæ Reginę ligeis & ſubditis: vbi reuera idem A. B. nunquam fuit in dicta arte ſiue myſterio educatus tanquam apprenticus per ſpacium ſeptem annorum, nec idem A.B. eandem artem (ſiue myſterium predictum) 12. die Ianuarij anno regni dictæ dominæ noſtræ Reginæ nunc quinto vſitauerit, aut exercuerit: In magnum dictæ Dominæ Reginæ contemptum, ac contra formam cuiuſdam Statuti,

in

in Parliamento dictæ Dominæ Reginæ noſtræ nunc, tento apud Weſtmonaſt' Anno regni ſui quinto, in hoc caſu prouiſi ac editi, vt ſupra dict'.

SECTIO 224.

¶ *of a rebellious Aſſemblies ſuper 1. Mar. ca. 12.*

A I Vratores pro domina Regina, præſentant, Quod primo die menſis Octobris, Anno regni Dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris &c. triceſimo quinto A.B.C.D.E.F. **and ſo reciting vij. perſons at the leaſt, with their additions of occupations and dwellings**, apud quendam locum infra parochiam de O. in comitatu E. prædicto, (Anglice vocatum **le old Court**) inter horas decimam & vndecimam ante meridiem eiuſdem diei, vi & armis, tam inuaſiuis, quam defenſiuis, videlicet, gladijs, pugionibus, Baculis, arcubus, ſagittis, tunicis ferreis, & tormentis, ſeipſos congregauerunt, & aſſemblauerunt: Ac tunc ibidem intenderunt, conati ſunt, practicauerunt & in vſu poſuerunt, vi & armis, illegitime, & ex auctoritate ſua propria, ſtecare, & prorſus euertere, proſternere ac deſtruere quoddã caput vnius aquæ ductus (Anglice vocatum **a conduit head**) tunc ibidem in fundo cuiuſdam R.S. de O. prædicta, in comitatu prædicto generoſi exiſtens, & curſum aquæ in ipſo habens, ea intentione, vt idem caput aquæ ductus prædicti ex tunc apertum & vacum remaneret ac iaceret: Et vlterius, quod ſuper querimonia inde facta coram T. W. vno Iuſticiariorum pacis dictæ Dominæ Reginæ in comitatu E. prædicto, omnes & ſinguli prædicti A.B.C.D.E.F. &c. tunc & ibidem per eundem Iuſticiarium requiſiti ſunt ac iuſſi (per proclamationem in nomine dictæ dominæ Reginæ tunc & ibidem per eum palam factã) ad habitationes, loca, & domos ſuas (vnde venerant) ſe inde in pacifico modo retrahere, retirare, diſcedere & reuerti: quæ quidem proclamatio tunc ibidem modo & forma ſequentibus, habita & facta eſt, viz. prædictus T. W. Iuſticiarius

tunc

tunc ibidem fecit alta voce vnum **Oyes**, ac tunc ibidem immedietate hæc verba anglica sequentia palam, & alta voce pronunciauit, dicens scilicet, **The Quéene our Soueraigne Ladie chargeth, and commaundeth all persons** (being assembled) **immediatly to dispersle themselues, and peaceably to depart to their habitations, or to their lawfull businesse, vpon the paines conteined in the act lately made against vnlawful and rebellious assemblies: And God saue the Quéene.** Et vlterius, Iuratores prædicti dicunt, quod non obstante dicta proclamatione modo & forma prædictis per præfatum Iusticiarium tunc ibidem facta & habita, iidem tamen omnes & singuli prædicti A.B.C.D.E.F.&c. in dicto loco vocato **le olde Court** infra parochiam de O. prædicta in dicto comitatu E. per spacium duarum horarum, immediate & continue post dictam proclamationem sic vt præfertur factam & habitam sequentium, seditiose & felonice insimul remanserunt & continuauerunt, in magnum dictæ Dominæ Reginæ contemptum, ac contra pacem, coronam, & dignitatem suas, necnon contra formam diuersorum Statutorum in huiusmodi casu prouisorum & editorum. A

SECTIO. 225.

¶ *Againſta Barreter.*

IVratores pro Domina Regina præsentant, quod A. B. de C. in comitatu E. Tailor, secundo die Octobris, Anno regni dictæ Dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defensoris &c. Tricesimo quarto, apud C. prædictam in comitatu E. prædicto, fuit, & adhuc est cõmunis Barectator, & pacis dictæ Dominæ Reginæ perturbator assiduus & publicus, necnon communis ac turbulentus calumniator, comiciator, pugnator, & litium inter vicinos suos seminator, adeo vt diuersas lites, controuersias, necnon iurgia, & pugnas adtunc ibidem, & alibi in dicto comitatu E. inter diuersos dictæ dominæ Reginæ ligeos & subditos, mouit, procurauit, & excitauit: In magnam

nam dictæ Dominæ Reginæ pacis perturbationem, ac contra formam diuersarum ordinationum ac statutorum huius regni sui Angliæ, in huiusmodi casu antehac prouisorum ac editorum.

SECTIO. 226.

¶ *Against a Barretor.*

AInquiratur pro domina Regina, si R.E. nuper de G. in com̃ D. yeoman, xx. die &c. apud G. præd' in comitatu prędict', fuit & adhuc est communis barectator, & pacis dictæ dominæ Reginæ perturbator, & oppressor vicinorum suorum, & al' ligeorum dictę Dñę Reginæ in com̃ D. prædicto, ac communis malefactor, calumpniator, & seminator litium & discordiarum inter vicinos suos præd', ad magnum dispendium, grauamen. & perturbationem vicinorum prædict', & aliorum fidelium ligeorum dictæ Dominæ in com̃ D. pręd', contra ordinationes, leges & statuta huius regni Angl' in huiusmodi cas. edit & prouis. ac contra pacem dictę dñę Reg. coronã &c.

SECTIO 227.

¶ *For Battèrie at an Assise.*

AInquiratur pro domina Regina, si C.P. & W.C. &c. vi & armis videlicet, gladijs, scutis, & pugionibus apud C. præd' arraiat' & illicite congregat', tempore Assisarum dictæ dominæ Reginæ, adtunc apud C. prædict' tentarum, necnon infra precinctum eiusdem villæ, R.W. & R. H. earundem Assisarum Iusticiarijs, ac Iusticiar' dictæ Dominæ Reginæ ad gaolam de I. in eodem comitatu de prisonarijs in eadem existentibus deliberand' assign̄, circa deliberationem eiusdem, gaolæ tunc apud C. prędict' existentibus, insultum & affraiam inuicem fecerunt, ad magnam perturbationem curiæ dictæ dominæ Reginæ, ac Iusticiariorum suorum prædictorum tunc & ibidem existent̄, ac in terrorem & perturbationem diuersorum subditorum eiusdem dominæ Reginæ tunc & ibidem existent̄, & in malum & perniciosum exemplum omnium

omnium ligeorum dictę Dominę Reginę, ac contra pacem dictæ dominæ Reginæ, coronam & dignitatem suas &c.

SECTIO 228.

¶ *Or thus.*

INquiratur si F.F. &c. vndecimo die &c. vi & armis &c. Iusticiar' dictæ dominæ Reginæ ad assisas in comitatu prædicto capiend', necnon ad gaolam eiusdem comitatus apud W. in eodem comitatu deliberand' assign', adtunc iudicialiter sedent' & existent', in quendam W. C. in pace dei & dictę dominæ Reginę apud W. prædict' existent', ex malicia sua prę-cogitata insultum fecit, & ipsum W. cum quodam gladio quem idem F. in manu sua dextra adtunc & ibidem habuit & tenuit, percussit super caput suum, dans eidem W. C. diuersas plagas, per quas ipsum W. in magno periculo vitę suę posuit, ita quod de vita sua desperabatur, in magnum iusticiæ & legum huius regni Angliæ contemptum, & pernitiosum exemplum aliorum, ac contra pacem dictæ Dominæ Reginę coronam & dignitatem suas &c. A

SECTIO. 229.

¶ *Or thus.*

INquiratur pro domina Regina, si O. P. &c. decimo, apud T. prędict' in comitatu E. prędicto, tempore Assisarũ, & generalis gaolę deliberationis adtunc & ibidem tent', & sedent' adtunc & ibid' Iustic' dictę Dominę Reginę ad assis. capiend', necnon ad gaolam dictę dominę Reginę castri de T. prædict' in com̃ præd' deliberand', vi & armis, & ex malicia sua prę-cogitata, in, & super quendam I. C. nuper de S. in comitatu D. yeoman, in pace dei, & dictæ Dominæ Reginæ adtunc & ibidem existent', insultum & affraiam fecit, & ipsum verberauit, vulnerauit, & maletractauit, & præfatus O. adtunc & ibidem cũ quodam gladio valoris iij. solid' & quatuor denariorũ, quem idem O. in manu sua dextra adtunc & ibidem habuit & tenuit, prædict' Iohannem C. adtunc & A

ibidem

ibidem percussit & pupugit, dans eidem I.C. adtunc & ibidē quoddam vulnus siue quādam plagam in latitudine vnius pollicis, & profunditate quatuor pollicium, ita quod idem I. C. de vita sua maxime periclitabatur, in magnam perturbationē tam prędictor' Iustic' dictę Dominę Reginę, adtunc & ibidem in cur' prędict' sedeñ, quam totius populi, & ligeorū subdit' dictę dñæ Reg. de prędict' coīn S. adtunc & ibidem confluenc' & attendenc', ac in magnum contemptum dictę dñę Reg. ac in Iusticię ibid' exequend' & administrand' retardationē manifest' ac contra pacē dictę dñę Reg. coronā & dignitatē suas &c.

SECTIO 230.

¶ *For Buggerie cum masculo.*

AI Vratores pro domina Regina prędictant, quod A. B. nuper de C. in dicto comitatu E. clericus (& alienigena in ciuitate Romana Italiæ natus) decimo die Martij, vi & armis, apud C. prædict' in comitatu prædicto, Anno regni Dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defensoris &c. Tricesimo, in quendam I. S. de C. præd' in dicto coīn E. puerū masculum (ætatis non amplius quindecem annorum, ac tunc ibidem in quodam loco vocato **le Arbre**, in pace dei & dictæ dominæ Reginæ existentem) insultum fecit, ac cum dicto I. S. puero prædicto sceleratissime, felonice, ac contra naturæ ordinem, tunc ibidem rem habuit veneream, dictumque puerum carnaliter cognouit, ac sic cum eodem puero peccatum illud horribile, ac Zodomiticum (Anglice vocatum **Buggerie**) ad tunc ibidem felonice commisit, ac perpetrauit, contra pacem dictæ dominę Reginæ nostræ, ac contra formam statuti in huiusmodi casu ante hac prouisi ac editi.

SECTIO. 231.

¶ *Burglarie and Theft.*

AI Nquiratur pro domina Regina, quod cum T. H. nuper de H. in comitatu prædicto **yeoman**, x. die Maij, Anno regni

Reginæ Eliz. &c. 34. vi & armis &c. domum mansionalē cuiusdam P. Armig. apud H. pręd' in com̄ E. præd', circa horam decimam in nocte eiusdem diei, felonice & burglariter fregit & intrauit, & quadraginta libras in pecunijs numeratis, de bonis & catallis prædict' P. in quadam cista in domo prędict' adtunc existent' inuent' felonice cepit & asportauit, contra pacem dictæ dominæ Reginæ, & si quidam Christopherus G. nuper de H. prædict' in comitatu S. prædict' yeoman, ante feloniam & burglar' pręd' per ipsum T. H. in forma præd' fact' & perpetratam, viz. 6. die Maij, anno xiiij. supradicto, eundem T. H. apud H. prædict' in comitatu E. prædict' ad feloniam & burglariam præd' in forma prædicta sic faciend' felonice excitauit, abbettauit, & procurauit, contra pacem dictæ dominæ Reginę nūc, coronam & dignitatem suam., Et si quidam I. R. nuper de C. in com̄ S. pręd' yeoman, sciens præfatū T. H. feloniam prædictam in forma prædicta sic fecisse & ꝑpetrasse, eundem T. H. dicto decimo die Maij, anno supradicto, post felon̄ præd' per ipsum T. H. sic fact' & perpetratam, apud H. præd' in comitatu S. prædicto felonice receptauit, confortauit, & hospitauit, contra pacem dictæ dominæ Reginæ coronam & dignitatem suam.

SECTIO 232.

¶ *Burglarie and Theft.*

INquiratur pro domina Regina, si N. H. nuper de G. in com̄ E. prædicto Y. T. F. nuper de M. in com̄ E. prædicto Y. die &c. 10. vi & armis &c. inter horas vndecimam & xij. in nocte eiusdem diei, domum mansionalem cuiusdam R. B. apud W. in prædicto comitatu Eborum felonice & burglariter fregerunt & intrauerunt, & in ipsum R. B. adtunc & ibidem in eadem domo in pace dei, & dictæ dominæ Reginæ existent', insultum fecerunt, & eundem R. adtunc & ibidem in timore corporali vitæ suæ imposuerunt, ita quod de vita sua desperabatur, & quatuor libr' in pecunijs numeratis in quadam cista infra domum prædictam adtunc existent', de bonis catallis & pecunijs cuiusdam I. B. adtūc & ibidem inuent', A

felonice

felonice & burglar' ceperunt & asportauerunt, contra pacem &c. vt supra.

SECTIO 233.

¶ *Burglarie and Theft.*

AInquiratur pro domina Regina, si W.H. nuper de S. in comitatu D.Dyer, R. C. nuper de M. in comitatu W. yeomã, T.C. nuper de M. præd' in comitatu W. prędict' yeoman, & T.L. alias dictus L. nuper de M. prædict' in prædicto comitatu W. yeoman, & T.P. nuper de C. in comitatu S. yeoman, vltimo die Octobris, anno regni Reg. Eliz. &c. 4. circa horam vndecimam in nocte eiusdē diei, domũ mansionalem cuiusdam Marg. P. viduę apud C. in prędict' com̃ S. felonice & burglariter fregerunt & intrauerũt, & vnũ Salinũ argenteum vocat' a siluer Salt, ad valentiam quinquaginta solid', x. li. in pecunijs numeratis, tres aciculas argenteas ad valẽtiam vj.s.viij.d. & iij. annulos argenteos valor' vj.s. de bonis catallis, & pecunijs pf. Marg. adtunc & ibidem inuent' felonice ceperunt & asportauerunt, contra pacem &c. vt supra.

SECTIO. 243.

¶ *For Burglarie in a dwelling house.*

AIVratores pro domina Regina prędictam, quod T.S. de W. in dicto comitatu E. Tailor, quarto die mensis Feb. Anno regni dictæ dñæ nostræ Elizabethæ, dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defensoris &c. vicesimo nono, vi & armis domum mansionalem cuiusdam N.G. de W. prędicta in dicto com̃ Butcher, noctanter, viz. (inter horas decimã & vndecimam post meridiem eiusdem diei) quadam I. vxore ipsius N.G. tunc in eadem domo in pace dei, & dictæ dominæ Reginę existente, felonice & burglariter fregit & intrauit, & viginti libras legalis monetæ Angliæ de bonis prædict' N.G. in quodam abaco in dicta domo existente inuentas, tunc & ibidem felonice cepit & asportauit, contra pacem dictæ dominæ Reginæ nunc, coronam, & dignitatem suam.

SECTIO. 235.

¶ *Burglarie by night of an house.*

INquiratur pro domina Regina, si F.M.nuper de M. in comitatu D. **Joiner**, duodecimo die Aprilis, Anno &c. circa horam duodecimam in nocte eiusdem diei, vi & armis &c. domum mansionalem cuiusdam T. C. señ, apud C. in coñ S. præd' burglariter & felonice fregit & intrauit, & super quosdam R.S. & I.B. adtunc & ibidem in pace dei & dictæ dominæ Reg. existent', insultum fecit, & eosdem R. & I. in corporali timore vitarum suarum posuit, ea intentione ad interficiendum, vel saltem ad spoliandum præd' T.C. de bonis & pecunijs suis, ad graue dampnum ipsius T. & contra pacem dictæ Dñæ Reg. &c. vt supra. Et si G.B. nup de C. præd' in coñ præd' Weauer, ante felonian præd' in forma præd sic fact & perpetrat', eundem F.M. apud C prędict in coñ D. præd', videlicet, vicesimo die Ianuarij Anno &c. vt supra, ad felonian prędictam in forma prędicta sic faciend' felonice excitauerunt. abbettauerunt, & procurauerunt, contra pacem dictæ dominæ &c. vt supra. A

SECTIO 236.

¶ *For Burning a house by day.*

IVratores pro domina Regina præsentant, quod A.B. nuper de C in comitatu E. prędicto **victualer**, octauo die mensis Iulij, Anno regni dictæ dñæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defensoris &c. tricesimo, ad domum mansionalem E.F. de C. prędicta in comitatu præd' generosi, in C. prędict in dict coñ E existentem, vi & armis, inter horas sextam & septimam ante meridiem eiusdem diei accessit & cum vna libra pulueris tormentarij ad valentiam 12. denar' & face quadam ignita, quã dictus A.B. tunc ibidem in manibus suis tenuit, ignem in quodam fasciculo straminis tunc in dicta domo existentis, ex malitia sua precogitata felonice accendit, vnde eadem domus tunc A

ibidem

ibidem totaliter cremata & combuſta fuit (eodem E.F. tunc in pace dictæ dominæ Reginæ in dicta domo ſua exiſtente.) Et ſic prædictus A. B. dicto octauo die Iulij, Anno ſupradicto, apud C. prædictam, domum manſionalem prædicti E.F. prædictam, modo & forma prædictis, voluntarie ex dicta malitia ſua præcogitata, & felonice incendit & combuiſſit: contra pacem dictæ dominæ Reginæ noſtræ, ac coronam, & dignitatem ſuas.

SECTIO 237.

¶ *Burglarie & burning a houſe.*

AInquiratur pro domina Regina, ſi W.S. nuper de O. in coñ E. prędˈ **Smith**, die Feb. &c. 13. circa horam xij. in nocte eiuſdem diei, vi & armis, videlicet gladijs, ſcutis, baculis, arcubus, & ſagittis, apud S. in prædˈ coñ E. ad domũ manſionalem cuiuſdam I. C. ſimul cum alijs veniebat, ea intentione ad ſpoliandum dictum I. de bonis & catallis ſuis in eadem domo tunc exiſtentẽ, ac ſi idem W. ſuper tecturam eiuſdem domus vulgariter nuncupaẽ (**the couering of the houſe**) adtunc & ibidem, cum vna ſcala aſcendebat & ſcandebat, ea intentione, per tecturam prædˈ ad intrandˈ & ingrediendum in domum illam. Ac ſi dictus W. ſimul cum alijs prædict I. G. R. C. M. P. & E. G in eadem domo tunc exiſtentẽ, tantum timorem corporalem tunc & ibidem inferrebant, ita quod de vitis ſuis deſperabaẽ, ac ſi dictus W. ſimul cum alijs prædictis, adtunc & ibidem ex malitia ſua præcogitata, eandem domum cum igne tunc & ibidem felonice comburebat, prædictˈ E. R. C. in P. & E. G. in eadem domo exiſtente, contra pacem &c. vt ſupra Ac ſi W. R. de B. in comitatu prædictˈ **yeoman**, & W. I. de S. in comitatu E. prędictˈ generẽ ante felõ prędictˈ per ipſos I. C. & alios factã & perpetratã, prædictˈ W. S. prædicto 27. die Febr anno ſupradicto apud B. prædictˈ in comitatu prædictˈ ad felõ prædictˈ ſic in forma prædict faciendˈ & perpetrandˈ felonice excitauerunt, procurauerunt, & abbettauerunt, contra pacem &c. ac ſi prædictˈ W. R. &

W.S. ſcientes prædictum W. S. ſimul cum alijs ſupradictis felon prædict' informa prædict', ſic feciſſe & perpetraſſe, eundem W. S. poſtea ſcilicet 27. die Februarij Anno prædict' apud B. prædict in comitatu E. prædict' felonice receperunt, confortauerunt, hoſpitauerunt & concelauerunt, contra pacem dictę &c. vt ſupra.

SECTIO. 238.

¶ *Burning a barne with Corne.*

INquiratur pro domina Regina, ſi I. M. de D. in com M. A yeoman, 3. die &c. apud I. in com E. vi & armis quoddam horreum cuiuſdam I. S. apud I. prædict in præd' com E. ſituat & exiſten felonice fregit & intrauit, & quibuſdam candelis tunc igne accenſis, quas I. M. tunc & ibidem in manibus ſuis tenuit adtunc & ibidem ex malitia ſua prȩcogitata & ex inſtigatione diabolica in horreum prædict cum diuerſis granis & garbis, viz. tribus quarterijs ordei, & quatuor quarterijs frumenti, & duobus modijs auenarum & 4. carectat hordei in garbis in eodem horreo adtũc exiſtentibus, ignem accenſum adtunc & ibidem voluntarie & felonice impoſuit, & cum eodem igne adtunc & ibidem horreum prædict' cum omnibus granis & garbis ſupradictis in eodem horreo adtunc & ibidẽ exiſten voluntarie, & felonice combuſſit, & totaliter cum igne illo felonice & voluntarie conſumpſit, contra pacẽ dictę dominæ Reginæ, ac contra pacem &c. vt ſupra.

SECTIO. 239.

¶ *Champertie in an Aſſiſe of Nouel diſſeiſin.*

IVratores pro domina Regina præſentant, quod I.C.T.C. A ac I.P. de O. in comitatu E. yeomen, ac alij (de confederatione & couina prædictorum, I.C.T.C. & I.P. exiſtentes) quoddam placitum Aſſiſæ nouæ diſſeiſinæ (quod nuper ſummonitum fuit in curia dictæ dominæ Reginæ, coram dilectis & fidelibus dictæ Dñæ Reginæ I.S. & I.K. & alijs nuper Iuſtic' ipſius Dñæ Reginæ, ad aſſiſam illam capiendam aſſignatis,

natis, per Breue ipsius dominæ Reginæ inter W. S. quęrentē, & I.H. tenentem, de quodam libero tenemento in N.& S. in com̄ E. prędicto, (viz. pro medietate inde sibi & hæredibus suis inperpetuum) viz. pro C. libr̄ sterlingor̄ in pecunia numerata in hac parte habenda, per conuentionem inde inter prædictum N.S.& præfatos I.C.T.C.& I.P. 20. die mensis Augusti, Anno regni dictæ dn̄æ nostræ Elizabethæ, dei gratia, Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defensoris &c. Tricesimo apud O. prædictam in dicto comitatu factam, pro prædicto W.S. contra præfatum I.H. dictis die, Anno, & loco, assumpserunt manutenendum, & manutenuerunt: In magnum dictæ dn̄æ Reginæ contemptum, ac contra formam diuersorum Statutorum, huius regni sui Angliæ, in huiusmodi casu prouisorum ac editorum.

SECTIO 240.

¶ *Champertie in assise of Freshforce.*

AI Vrat̄ præsent̄, quod cum de communi consilio Regni domini E. nuper Regis Angl' primi, progenitoris dominæ Reginæ nunc, prouisum sit, Quod nullus Minister, vel aliquis alius manuteneat placita, querelas, vel negocia, quę sunt in cur̄ dn̄i regis, de terr̄, ten̄tis, aut alijs rebus quibuscunque, pro parte rei petitę, vel aliquo proficuo, per conuentionem factam inde habend', nec aliquis ius suum sub hm̄di conditione alteri dimittat. Quidam W.P.&c simul cum R.S.&c. tali die & anno, quandam quęrelam cuiusdam Ass. friscę forciæ, quæ est in curia dn̄æ Reg' nunc Ciuitatis E. corā E.B. Maior̄ & C.D. vicecom̄ eiusdē ciuitatis, sine br̄i ipsius dn̄ę Reg. secund' cōsuet ciuitatis p̄d', int̄ quosdā I.R.& T.L. de vno mesuag. cum pertin̄ in ciuitate p̄d', pro parte eiusdē mesuagij, viz. pro medietate mesuagij illius, sibi & hæred' suis inperpetuū, & alio proficuo, viz. pro medietate damnor̄ in q̄rela assisę p̄d' recuperand' inde habend', p conuentionē int̄ p̄f. I. ac p̄d' W. & R.S. apud E. p̄d' factam assumpsit manutenend', & manutenuit, ad graue dampn̄ ipsius T.L.& cont̄ form̄ prouisionis p̄d' &c.

SECTIO. 241.

¶ *For fighting in Churchyards.*

INquiratur &c. A.T. &c. H.S. &c. & W.K. &c. aggregat' &c. 22. die Iulij &c. vi & armis &c. apud C. in comitatu S. riotos. &c. in R. L. vicarium Eccleſiæ parochial' de C. præd' in pace dei & dictæ dominæ Reginæ in eccleſia prædict' tunc exiſtent' inſultum & affraiam fecer', & ipſum R.L. ab eccleſia prędict' tunc violenter & manuforti extraxer' & vſque cippos duxer', & ipſum impriſonauer' & male tractauer' & alia enormia ei adtunc & ibidem intuler' ad graue damnum ipſius R.L. contra formam ſtatut' in huiuſmodi caſu edit' & prouiſi, & contra pacem dictæ dominæ &c. A

SECTIO. 242.

¶ *Of abſence from Church.*

IVratores pro dña Regina ſuper Sacramentũ ſuum præſentant, ꝙ A.B. nuper de C. in coñ pręd' E. Ar', qui x. die Iulij anno regni dñæ noſtræ Eliz. Dei gratia Anglię, Francię, & Hybernię Reginę, fidei defenſoris &c. Triceſimo, fuit ætatis 16. annorum & vltra, non acceſſit (Anglice **did not repaire**) ad eccleſiam ſuam parochialem de D. prædicta, nec ad aliquam aliam eccleſiam, capellam, aut vſualem locum communis precationis, & ibidem moratus fuit tempore communis precationis, ad aliquod tempus infra ſex menſes tunc proxime ſequentes, ſed abſtinuit ab eiſdem (Anglice **hath forborne the ſame**) per ſpacium prædictorum ſex menſum, contra formã cuiuſdã ſtatuti apud Weſtñ in coñ Mid' anno regni dictę dñę Reg. nunc primo, pro vniformitate communis precationis editi & prouiſi, ac contra formã ſtatuti anno regni dictę dominę Reginę nunc 23. in hñdi caſu editi & prouiſi, ac in contemptum dictæ dñæ Reginæ nunc, & contra coronam, & dignitatem ſuas. A

SECTIO 243.

¶ *For fighting in the Churchyard.*

INquiratur pro dña Regina, ſi O F. de L. in coñ E prædict' generoſus, octauo die &c. in cęmiterio eccleſię parochialis de A

de L. prædicta, in dicto comitatu, malitiose extraxit pugionem suum in quendam I.S. de L. prędicta **Yeoman**, ea intentione ad percutiendum prædictum I. S. cum dicto pugione, contra pacem dictæ dominę Reginæ nostræ nunc, ac cõtra formam statuti in parliamento domini Edwardi nuper Regis Angliæ sexti (tento apud Westmoñ in comitatu Middlesexiæ, Anno regni dicti nuper domini Regis quinto) in huiusmodi casu prouisi, ac editi.

SECTIO 244.

¶ *Fighting in Churches or Churchyards.*

A IVrat̃ presentant, quod cũ in statuto in Parliamento domini E. nuper Regis Angliæ sexti, apud Westm̃, anñ regni sui quinto, tent̃, ædit̃, inter cætera stabilit̃ exist̃it &c. Quod si aliqua persona ad aliquod tempus, post primum diem Maij, tunc proxim̃ sequent̃ malitiose percuteret aliquam personã, cum aliquibus armis in aliqua ecclesia siue cæmiterio, vel post eundem primum diem Maij, extraheret aliqua arma in aliqua ecclesia, seu cæmiterio, intentione ad percutiendum alium cum eisdem armis, quod tunc quælibet persona sic offendens & inde conuict' per veredictum xij. hominum, vel per suam propriam confessionem, vel per duos legales testes, coram Iustic' Assisarũ, Iustic' audiend' & terminandi, siue Iustic' pacis in Sessionibus suis, virtute illius actus adiudicaretur per eosdem Iustic' coram quibus talis persona sic conuinceretur, ad habend' vnam aurium suarum abscissam, & si illa persona siue personæ sic offendeñ non haberet siue non haberent aliquas aures, ita quod illiusmodi pœnã subirent (vt præfertur) quod tunc ipse vel ipsi signarentur in bucca Angl' **chéeke**, fer to candenti Angl', **a hote iron** habeñ hanc literam F. per quam ipse vel ipsi cognosci & haberi possint pugnæ effectores, & pugnatores, & vltra hoc, quælibet talis persona foret & staret ipso facto excommunicat̃, prout in eodem statuto plenius continet̃. Quidam tamen G. B. nuper de S. &c. 2. die Iunij, &c. vi & armis, viz &c. cum quodam pugi-

pugion̄ in quendam T. C. in pace Dei & dictæ dominæ Reginæ existen̄ apud C. in comit̄ E. præd' in cæmiterio ecclesiæ parochialis de C. præd' insultum fecit, & ipsum T. super caput suum adtunc & ibidem malicioſe percussit, & alia enormia ei intulit ad graue dampnum ipsius, T. & contra pacem dictæ dominæ Reginæ &c. ac contra formam statuti prædicti &c.

SECTIO 245.

Of absenting from the Church.

A IVr̄ pro domina Reg' præsentant quod cū in statut̄ in pliamento dn̄æ El. dei gr̄a &c. anno reg' sui 1. tent̄ apud W. in com̄ M. inter alia inact̄itat̄ & ordinat̄ existit, q̄ post festum S. Iohannis Baptiste anno reg' dict' dn̄æ Reg' omnis & singula persona siue peosonæ inhabitant̄ in hoc regno Angl' aut aliquod aliud dominiorum dict' dn̄ę reg', diligenter & fideliter, habentes nullam legalem seu rationabilem excusationem abessendi, adtententur adire suam parochialem ecclesiam vel capellam consuetam, vel super rationabile impedimentum, aliquem vsitatum locum, vbi communes precationes, & diuina seruitia, in actu illo mencionat̄ celebratæ fuerint tempore talis impedimenti, quolibet die Dominico, & alijs diebus ordinat̄, & vsitatis obseruari vt festiuis diebus, & tunc & ibidem manere secundum ordin̄ & sobrie, durante tempor̄ precum commun̄, prædication̄, aut aliorum diuinorum seruition̄ ibidem vtend' & ministrand', sub pœna punitionis per censums eccl', & etiā sub pœna, q̄ libet p̄sona sic offēd', forisfaciat p̄ qualib' tali offensa 12. denarios leuand' per gardianos ecclesiæ pochialis vbi talis offēsa foret fact' ad vsū pauper̄ inhabit̄ eiusd̄ pochię de bonis, terr̄, & tenement̄, talis offēd' per modū distriction̄, put in statut̄ p̄d' continet̄, cumq; T. R. de D. in com̄ pred' arm̄ & A. vx' ei⁹, vtroq' eor̄ exist' ætatis 16. ann̄ & amplius, ac exist̄at pochian̄, eccl' pochial' de T. prædict, in præd' com̄ E. infra quam quidē eccl' com̄es precation̄ & alia diuina seruit̄ in statut̄ præd' spec' post pred' fest' nativit̄ sancti I. B. anno 1, supradict', scil' die dn̄ica p̄x post festū S. Michaelis

chaelis Arch' anno regni Reg' Eliz' Dei gratia &c.12. diebus dominicis tunc ꝓx. ſequent' & 8.alijs diebus feſtiualibus eaſdem 12.dies dominicas interuenient' dicebantur & vtebantur, pręd' I. & A. non habentes legalem nec rationabilem excuſationem, ſeu impedimẽt' abeſſendi ab eccl' præd', in diebus prædict', tempore prędict' communi precum, predicationũ, & diuinorum ſeruitiorum ibidem tunc dictorum, habitorum, & miniſtratorum non ſolum non admitebantur adire eccleſ, parochial' de D. præd' exiſtẽ eorum eccleſiam conſuetam, in prædict' die dominĩ ꝓx. poſt prædict' feſtum ſancti Mich' archang', anno reg' dicte dñæ Reg' nũc 34. ſupradict' & prædict' alijs 12. dieb⁹ dominicis tunc ꝓx. ſequẽ, & prædict' alijs octo diebus feſtiualibus inter eaſdem 12. dies dominicas interuenient' tempore præd' communi precationi & diuinorum ſeruitior' ibid' in dieb' illis dictor' habitor' & miniſtratorũ, ſed etiã odio habent' & cõtẽnent' euang' & ſalub' dei verbũ & dict' dñam Reg', & leges ſuas, ſeipſos volũtar' abſentauerũt, & vterq; eorũ volũtarie ſeipſum abſentauit ab eccl' præd' die dñica ꝓx. poſt feſt' S. Mich' Arch. anno reg' dict' dñe regiñ nuũc 34. ſuprad', & ꝑd' alijs 12. dieb⁹ doñcis tunc ꝓx. ſequent', & præd' alijs 8. dib' feſtiual' inter eaſd' 12. dies dñicas interuenient' tẽpor' præd' communiũ precũ prędicationi, & diuiñ ſeruicior' ibid' in dieb' illis, dictor', habitor', & miniſtator', cõtra pacẽ & in contemt' dict' dñæ regine nũc & legẽ ſuam & coronam & dignitatem ſuam, ac cont' formã ſtatut' præd', & in pnitioſum exemplũ alior' malefactor' &c.

SECTIO 246.

For taking of Conies in a warren.

A INquiſ' &c. ſi E.D. &c. vi & armꝫ viz. baculis falcaſtris, arcub⁹, & ſagitt', & alijs armꝫ defenſiuis, parcũ, ſeu liberam warrenã C.B. apud A. in com' præd' circ' hoꝝ 10. in noct' eiuſdẽ dei fregit & intr', & in eod' parco ſiue liber' warreñ, leporarijs, liciſcis & retib' voc' purſinet' ſine licẽtia dict' T.B. venabant' & 40. cunic' valor' 13.s.4.d. de bonis & catt' ipſius T.B. adtũc & ibid' inuent' cepe' & aſportauer' ad graue damꝫ ipſius T.B. & cõtr' pacem &c.

SECTIO 247.

Of conſpiracies inſutes.

IVratores &c. ptæſent, quod I.P. nuper de T. in prædicto A
com̃ E. & R. B. nuper de C. in prædict' com̃ E. gener̃
vna cum alijs quamplurimis perſonis adhuc ignot̃, contra legem domini regis ac formam ſtatutorum in huiuſmodi caſu prouiſorum, conſpiratione & couina apud T. prædict' die &c. habit̃, diuerſis temporibus poſtea ſimul vnit̃, confederati, & iurati falſo fraudulent̃ & malicioſe vener̃ ad vindicand', deſtruend', perturband', placitand', adnihiland', & finaliter adnulland' fideles & innocẽtes ligeos dicti domini regis pro lucro ad eorum proprium vſum capiendo, ſocietatẽ inierunt, & adinuicem iurauerunt, ad ſimul ſtandum contra dictum dominum regem, & quoſcunque ligeos ſuos in omnibus & ſingulis materijs placitis & q̃relis, per ipſos & eorum quemlibet motis ſeu mouendis. Et ſi eorum aliquis cum aliquo, placita, materiam, ſeu quærelam moueret, quod ipſi & eorum quilibet cum eo, ſic materiam, quærelam, ſeu placitum mouent̃ ſtare, & preſeuerare deberent & deberet. Et ſi aliquis eorum aliquam quærelam ſen placitum nomine alterius perſonæ cuiuſcunque, verſus aliam perſonam ſuper ſe aſſumpſerit manutenend', extunc eorum quilibet quærelam, ſectam, ſeu placit̃ prædict', tanquam quærelam, ſectam ſeu placitum, nomine eorum proſecut̃, manuteneret, foueret & teneret, recto, veritate, Iuſtic' & iure, omnino poſtpoſitis & ſublat̃: Virtute quorum quidem vnitionis, conſpiraticnis, iuramẽt̃, confederationis, & manutentionis, prædictorum I.P.R.B. & al' ſic in vnum globat̃, & iurat̃, poſtea videlicet die &c. Anno &c. conſpiratione inter eos apud C. in comit̃ prædict', prehabita, quendam I. H. de eo quod ipſe die &c. anno &c. vnum equum pretij &c. de bonis & catallis prædicti I.P.R.B. apud S. inuent̃ felonice furatus fuit cepit & abduxit, falſo & malitioſe indictari procurauerunt. Et prædict' I.P. & R.B. & alij modo & forma præd' vniti & confæderati

diuerſa

diuersa falsa placita, sectas, & quærelas innumerabiles, tam nominibus eorum proprijs, quam nominibus aliarum personarum eis falso & maliciose congregat̃ & vnit̃, prosecuti fuerunt, & manutenuerunt & indies prosequuntur & manutenent, videlicet prædict' I. P. ad hundredum domini P. Militis apud C. prædict' xiij die, anno &c. tent̃, eodem I. adtunc Balliuo eiusdem hundred' existen̄, ad statum & possessionē R.S. & A. vxoris suæ adnulland': Et pro eo quod ad quamlibet curiam hundred' ibidem successiue tenend', prædict' R. vxorem suam ibidem producere nequiret, ita quod excessiua amerciament̃ in status eorum depauperationem fierent & euenirent, consideration̄ taxator̃ amerciament̃ curiæ prædictæ, semper de couina prædict' prædict' I. P. extiterunt, tresdecim quærelas de placito transgressionis, nomine W. Y. & R.B. quatuor quærelas transgressionis nomine W.E. absque vera materia seu iusta causa, seperatim versus prædictum R. S. & A. leuauit & intrauit, ac prædict. querentes huiusmodi quærelas leuare procurauit ad graue damnum ipsorum R. & A. & contra formam ordinationis in huiusmodi casu prouis. &c.

SECTIO 248.

Conspiratie of Artificers.

A IVratores pro domina Regina præsentant quod A.B.C.D. E F. & G.H. de M. in dict' comit̃ Pistores 2. die Octobris, Anno regni Dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defensoris &c. Tricesimo, apud M. prædictam, in comit̃ E. prædicto, insimul cōuenerunt, conspirauerunt, ac mutuo inter se promiserunt, q̄ panis denarij de integro frumento (per eos seu eorum aliquē, tum deinceps faciendus ac vendendus) non amplius quam 2. libras & sex vncias Troci ponderis habebit & ponderabit, (quodcunque imposterum foret vnius quarterij frumenti pretium:) in dictæ Dominæ nostræ Reginæ nunc contemptum, ac in extremum pauperum dictæ Dom. Reginæ subditorum

rorum grauamen, necnon contra formam diuersorum statutorum in huiusmodi casu prouisorum & editorum.

SECTIO 249.

Of distresses excessiue.

IVr̃ præsentant pro domina Reg' quod cum in statut̃ in parliamen̄ tenṫ apud M. anno H. 3. nuper Regis Angl' 52. inter cætera ordinat̃ sit, quod districtiones sint rationabiles & nõ nimis graues, & qui districtiones fecerint irrationabiles, & indebitas, grauit̃ amercientur propter excessiuam districtionem ipsorum, prout in statut̃ præd' plenius continetur. Quidam tamen A. B. de &c. statut̃ prædict' & pœnam in eodem contentam minime ponderans 12. die Iun', anno regni &c. duas vaccas de bonis & cattall' W. F. &c. apud G. &c. in eod̃ com̃, p̃ quinque solid' in pecunijs numeratis irrationabilit̃ & excessiue distrinxit, & p̃ districtione cepit, vbi tẽpore districtionis & captionis præd', quarumlibet prædictarum vaccarum precij capitis erat xx.s. contra formam statuti præd' &c. A

SECTIO 250.

Of a distresse in the high way.

IVr̃ præsentant pro domina Regina, quod cum in statut̃ in p- liamen̄ tenṫ apud M. anno H. 3. nuper regis Angl', nulli de cætero liceat ex quacũq; causa districtiones facere extra feodum suum, nec in via regia, aut in communi strato, nisi dño Regi, aut ministris suis specialẽ authoritat̃ ad hoc habentib', prout in statut̃ prædict' plenius continetur. Quidam tamen A. B. &. C. D. de &c. statutum prædict' & pœnam in eodem content̃ minime ponderantes 2. die Iun, anno &c. 2. vacc' de bonis & catal' E. D. &c. apud F. &c. extra feod' ipsor̃ siue ipsorũ alicuius, in cõmuñ strato voc' &c. ad tunc & ibid' existẽt distrinxer̃, & p̃ districtioñ ceper̃ nec tẽpore districtioñ p̃d' A B. & C. D. non fuer̃ ministri, nec aliquis eorum fuit ministr̃, dict' dñæ Reginæ, nec habuerũt, nec aliquis eorum habuit specialem authoritatem ad illud faciendum, contra pacem &c. ¶ A

Sectio 251.

SECTIO 251.

Against Egyptians.

A IVr̃ præsent̃ quod cum in statuto in Parliamento domini P. & dñæ M. nup Regis & Reginę Angl' apud W. x. die No. annis Reg' suorũ 1. & 2. tent̃ ædit̃ inter alia, ordinatum existit, &c. ꝙ si aliqua persona, siue persouæ, seipsos appellant̃ Egiptianos qui transportarentur, vel conueiarentur in hoc regnũ Angl' siue Walliæ, continuarent, & remanerent, infra idem, ꝑ spacium vnius mensis, quod tunc ipse vel ipsi sic offendeñ, virtute actus pred', adiudicat̃ & estimati essent felones, & ꝓinde sustinerent penas mortis, & forisfact' terrar̃ & bonorum, vt in casu feloniæ iuxta ordinem communium legum huius regni, Et super examiñ eorum siue alicuius eorum, triarentur in com̃, ac per inhabitantes illius com̃, vel loci, vbi ipsi vel ipsæ apprehenderentur, siue caperentur, & minime per medietatem linguæ, & amitterent libertatem & priuilegium Sanctuarij & cleri, prout in eodem statuto plenius apparet. Quidam tamen M. P. & P. seipsos appellantes Egyptianos, statut̃ prædict' minime ponderantes, nec penam &c. qui primo die Aprilis, anno &c. in hoc regnum Angl' transportat̃ & conueiat̃ fuerunt, ab eodem primo die Aug anno &c. supradicto, vsque decimum diem Sep. extunc prox' sequeñ apud C. in prædict' com̃ E. cõtinuauerunt & remanserunt in eodem, otiosas vitas suas non relinquentes, nec seipsos in seruitio alicuius habilis & honesti subditi huius regni Angl' collocare quærentes, neq; seipsos in aliquo opere licito siue occupatioñ honesta exercentes, in dominæ Reginę nunc cõtemptum, ac contra formam statuti prædict'. &c.

SECTIO 252.

Against Egyptians.

A IVr̃ præsentant &c. quod cum in statuto in parliamento Dominæ Reginæ, nunc apud Westmonasterium in com̃ Middl', xiij die Ianuarij, Anno regni sui quinto, tent̃ edito

edita inter alia &c. quod omnes & ſingula perſona & perſonæ quæ ab, & poſt primum diem Maij, tunc proxim ſequent viſæ vel inuentæ forent infra hoc Reg' Angliæ ſiue Walliæ in aliquo commercio vel conſortio vacabundorum vulgo vocat, ſiue ſeipſos appellañ Egiptianos vel ſeipſos ſimulãtes tranſmutantes ſiue fucantes Anglic' **diſguiſing** per eorum veſtitum, locutionem, aut aliam geſturam conſimiles huiuſmodi vagabundis communiter appellat vel ſeipſos appellantes Egyptianos, & ſic facerent, continuarent, & remanerent in eiſdem, aut ſemel, vel ſæpe, per ſpacium vnius menſis, quod tunc eadem perſona ſiue perſone virtute huius actus eſtimatę forent & adiudicarentur felo & felones, & proinde ſufferrent pœnas mortis, ac amiſſionem terrarum & bonorum, vt in caſibus felonię, ſecundum ordinem communium legum huius regni. Et ſuper eorum ſiue alicuius eorum examinat in hac parte triarentur in comitat ac per inhabitantes comitatus vel loci, vbi ille vel illi apprehenderent ſiue caperentur, & non per medietatem linguæ & amitterent priuilegium & beneficium ſanctuarij & cleri, prout in eodem ſtatuto plene liquet. Quidam tamen A. B. C. D. &c. ſtatutum prædictum minime ponderantes nec pœnam in eodem content verentes, poſt prædict' primum diem Maij, ſcilicet tertio die Aug' anno regni Dñæ Reg. nunc 35. apud E. in comitat prædict', viſi & inuenti fuerunt in comertio & conſortio vagabundorum vulgo vocat & ſeipſos vocantes Egiptianos, ac ſeipſos ſimulantes, tranſmutãtes, & fucantes, per eorum veſtitum, locutionem, & geſturam, conſimiles huiuſmodi vagabundis qui vulgo vocãntur Egiptiani, & ſic fecerunt, continuauerunt, & remanſerunt ibidem, & alibi in eodẽ comit, a prædict' tertio die Aug' anno xxiij. ſupradicto vſque viceſimũ diem Iulij tunc prox. ſequeñ in dictæ dominæ Reginæ nunc contemptum, ac contra formam ſtatuti prædicti &c.

Sectio 253

SECTIO 253.

For pulling out of eies.

A IVratores pro Domina Regina præſentant, quod A. B. de C. in dicto comitatu E. Tinker, nono die Septembris, anno regni dict. Dom̃ noſtræ Elizabethæ, Dei gratia, Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris, &c. Triceſimo, in quodam loco apud C. prædictam in com̃ E. prædicto (vocato le Dene) vi & armis in quendam D. E. de C. prædicta in comitatu E. prædicto ℣. in pace dictæ Dominæ Reginæ tunc ibidem exiſtentem, inſultum fecit, ac tunc & ibidem ex malitia ſua præcogitata, digitis & vnguibus digitorum ipſius A. B. oculos ipſius D. E. felonice effodit, ac eruit contra pacem dictæ Dominæ Reginæ noſtræ, coronam & dignitatem ſuam, ac contra formam cuiuſdam ſtatuti in parliamento Domini Henrici olim Regis Angliæ quarti, tẽto apud Weſtmonaſt' in com̃ Midd', anno Regni ſui quinto in huiuſmodi caſu prouiſi & editi.

SECTIO 254.

¶ *For pulling out of tongues.*

A IVrat̃ dicunt quod cum per ſtatutum in Parliamento Dñi Regis Henrici nuper regis Angliæ, 4. anno regni ſui 5. apud W. tento ædit̃, ordinat̃ ſit, quod malefectores, qui linguas amputarent, vel oculos euellerẽt ligeorum domini regis, hoc debit̃ compertum & probatum, quod tale falſum ex mala precogitatione fuit perpetratum, penam felonię incurrerent, prout in eodem ſtatut̃ plenius continetur: quidam tñ I. L. pœnam in dicto ſtatut̃ contentam minime verens, die &c. ann̄ &c. vi, & arm̄s. &c. felonice vt felo dicti Dom̃ regis, inſidiand', & inſultu premeditat̃ contra pacem Domini Regis coronam & dignitatem ſuas, in illa ſua præcogitata malitia venit apud H. in comitatu H. & in quendam N. M. adtunc & ibidem in pace Dei & Domini Reg. exiſtẽn, inſultum fecit, & ipſum verberauit, vulnerauit, ac

quodam cultello, quem præd' I. L. adtunc tenuit in manu ſua dext' præcij 2.s. linguam ipſius M. adtunc & ibid' felonice eruit & amputauit, contra pacem domini Regis &c. ac contra formam & prouiſ. ſtatut' præd' &c.

SECTIO 255.

¶ For a voluntarie Eſcape.

IVratores pro Domina Regina præſentant, quod vbi quidam A.B. nuper de C. in dicto comitatu K. Shomaker, ſexto die Maij, Anno regni dom̃ noſtræ Elizabethæ, Dei gratia Angliæ Franciæ & Hyberniæ Reginę, fidei defenſoris, &c. Triceſimo quarto, apud C. prædict' in comitatu K. prędict', pro ſuſpicione cuiuſdam feloniæ (viz. vnius Equi, coloris albi, pretij 40. ſolid' felonice per eundem A.B. vt dicebatur, capti & abducti) arreſtatus eſt & captus, & corã T. F. vno Iuſticiariorum dictæ dominæ Reginæ ad pacem in dicto comitatu conſeruandam aſſignatorum ductus, & ſuper inde poſtea, viz' dictis die anno, & loco, cuidam B. D. in comitatu K. prædicto Yeoman, cuſtodi Gaolæ dictæ Dominæ Reginæ apud M. in dicto comitatu K. exiſtenti (ſub cuſtodia I. F. armigeri, ad tunc vicecomitis comitatus K. prædicti, & cuſtodis Gaolæ prædictæ) per quoddam præceptum de Mittimus dicti T. F. Iuſticiarij, idem A. B. traditus eſt & commiſſus, ad ſaluo & ſecure cuſtodiendum in Gaola prædicta, donec idem A.B. inde foret legitimo modo deliberatus: præfatus tamen I. F. (tunc vicecomes) poſtea, viz. ſeptimo die dicti menſis Maij Anno ſupradicto, apud M. prædictam in comitatu K. prædicto, præfatum A. B. (ad tunc & ibidem in dictis gaola & cuſtodia exiſtentem) a prædictis cuſtodia & gaola, ad tunc & ibidem euadere & ad largum ire voluntarie, & felonice permiſit, contra pacem dictæ Dominæ Reginæ, Coronam, & dignitatem ſuam &c. A

SECTIO 256.

¶ *Voluntarie eſcape for murder.*

A INquiratur pro Domina Regina, quod cum quædam Maſ N. nuper de B in prędicto coñ E. **Spinſter**, decimo die Apr. anno &c. pro ſuſpicione feloñ & murdr̃ per ipſam M. apud B. prædictam in comitatu E. prædict' ſuper quendam W.P. fieri & perpetrari ſuppoſit̃, capt̃ & areſtat̃ fuit apud B. prædictam in comitatu E. prædicto, & eiſdem die & anno prædicta M. cuidam Richardo B. de N. in comitatu E. prædicto **Yeoman**, cuſtod' gaolæ dictæ dominæ Reginæ comitatus prædict' ſub Georgio P. armig', adtunc vicecomit̃ comitatus prædict' & cuſtod' gaolæ prædictæ, per quoddam breue de Mittimus W.M. Milit̃, & I.M. armig' duorum Iuſticiar̃ dictæ dominæ Reginę, ad pacem in eodem comitatu conſervand' aſſigñ, ſaluo & ſecur̃ cuſtodiend' tradita fuit, quouſque eadem M. a cuſtodia illa ſecundum legem & conſuetudinem regni Angliæ, pro ſuſpicione murdr̃ prædict' acquietar̃ ſiue deliberar̃ foret: Si prædictus R. B. de N. prædict', in prædicto comitatu E. **Yeoman**, poſtea ſcilicet viceſimo ſexto die Nouembris, anno ſupradicto apud M. prædictam in comitatu E. prædicto, prædict' M. adtunc & ibidem in cuſtodia ipſius R. in gaola dictę dominæ Reginæ exiſtentem, a gaola prædicta, adtunc & ibidem voluntarie & felonice euadere & ad largum ire permiſit, contra pacem dictæ dominæ Reginæ nunc &c.

SECTIO 257.

¶ *Eſcape negligent.*

A IVr̃ pro domina Regina præſentant, quod cum I.B nuper de C. in præd' coñ E. **Miller**, viij. die Decembris, anno regni Reginę Eliz. &c. primo, clauſum cuiuſdam I.G. apud C. præd' in comitat̃ E. p̃d' fregit & intrauit, ac vnam iuuencam coloris **Browne** precij viginti s. de bonis & catallis dicti I.G. adtūc & ibidem inuent̃ felonice cepit & effugauit,

contra pacem dictę dominæ Reginæ. Et pro feloñ prædict' per præfat̃ I.B sic fact' & perpetrat̃, arrestat̃ fuit, & coram G.R armiger̃ vno Iustic' dictæ Dominæ Reginę ad pacem in comitatu prædict' E. conseruand' assigñ, necnon &c. per prædict' I.G. duct' fuit, & coram dicto G.R. dictus I.B. feloñ prædict' confessus fuit, & ibidem G. R. per breue de Mittimus, præfat̃ I.B. pro feloñ præd' ad gaolam dictæ Dñæ Reg' de I. in coñ prædict', quibusdam I.C. de C. præd' P. R. B. de eadem Clothier, & Ric' M. de eadem Weauer deliuerauit, saluo & secur̃ ducend' vsque gaolam præd' de I. prædict', ibidem moratur̃ quousque idem I.B. abinde secundum legem & consuetud' Regni Angliæ deliberatus foret: Et si præd' I.C.R B. & R.M dicto 8. die Deceñ, anñ suprad' præf. I.B. apud C. præd' in præd' coñ E. in eor̃ custod' virtute deliberac' præd' sic existeñ, ibid' negligent̃ a custod' sua ad largum ire & euadere permiser̃, contra pacẽ dictæ dñæ Reginæ, coronam & dignitatem suas &c.

SECTIO. 258.

Of extortion in Coroners

IVrar̃ pro dña Reg' pręsentant, ꝙ cum per statut̃ in ꝑliament̃ dñi H. nuper regis Angl' octaui, Anno regni sui 1. ordinat̃ est, & stabilit̃ existit, quod super requisitionem Coronator̃ fact' ad veniend' & inquirendum super visum corporis alicuius personæ per infortunium occisæ, mersæ, seu aliter mortuæ, Coronator prædict' diligenter faceret officium suum super visum corporis cuiuscunque talis personæ, vel personarum, absque aliqua re proinde capiend', sub pena quod quilibet Coronator, qui officio suo vt prædictum est fungi recusauerit, vel rem aliquam ceperit pro functione officij prædict', super visum corporis alicuius personæ mortuæ per infortunium, pro quolibet tempore xl. s prout in statut̃ præd' plenius continetur. Quidã tñ W.B. de H. in coñ præd' gener̃ 12 die Dec' &c. adtũc exist' vn⁹ coronator̃ A

natoꝝ dictæ dominæ Reginæ in comꝫ E. prædict', apud M. in comꝫ E. prædict', colore officij ſui præd' extorſ. & iniurioſe cepit de quodam Roberto S. de B. in comitatu prædict' **Peomã**, pro executione officij ſui prædict' ſuper viſum corporis cuiuſdam Iohannis C. nuper de B. in comꝫ E. **Lab.** qui apud B. p̃d' in comꝫ E. præd' 4. die Oct. an. &c. per infortuñ occiſ. fuit, 6. s. in cõtempt̃ dictæ dñæ Reg' ad graue dampnum ipſius R. S. & contra formam ſtatuti præd', & diuerſoꝝ alioꝝ ſtatuꝫ inde edit̃ & prouiſ.

SECTIO 259.

For extortion by a Coroner.

A INquiratur pro Doñ. Regina, ſi A. C. de B. in comitatu E. generoſus, 6. die Iuni;, Anno &c. vnus coronatorum dictæ Doñ Reginæ in dicto comitatu E. ad tunc exiſtens, apud B. prædictam, in comit̃ E. prædict' colore officij ſui prædicti, extorſiue cepit pro feodo ſuo 20. ſol'. de quodam I. S. in dicto comitatu generoſo, in, & pro funct̃ione & executione officij ſui prædicti, ſuper viſum corporis R. N. nuper de B. præd' in comꝫ E. prædicto (qui quidem R. N. 5. die dicti menſis Iunij, Anno ſupradicto apud B. prædict' in comꝫ E. præd' caſu, ab equo ſuo, per infortunium fuit occiſus) in magnum dict dñæ Reg. contempt̃, ac cõtra formꝫ ſtat̃ in parliam̃ Doñ Hen.' nuper regis Angl' octaui tento, Anno regni ſui primo, in huiuſmodi caſu prouiſi ac edit̃.

SECTIO 260.

¶ *Extortion by an Eſchætors ſeruant.*

A IVr̃ pro dña Reg' preſent̃, qꝫ Rob. Bẽnet de P. in comit̃ E. præd' Y. ſeruiens & miniſter cuiuſd' B. T. Eſcheat̃ dict' dñę Reg' comꝫ prędꝫ, xv. die Iulij &c. apud W. in comꝫ E. prędꝫ, domum manſionalẽ cuiuſdã Iohannis M. fregit & intr̃, & 6. tergora corij voc' 12. **hides of græne leather**, ad valenc' 8. li. & 6. duodenas pell' vitulor̃, voc' 6. **dozen of Calueſkins**, ad valenc' 4. li. x. s. quæ quidẽ terg' & pell' adtunc & ibid' inuenta

color officij sui extorsiue & iniuste cepit, seisiuit, & asportauit, ad graue damnum ipsius I. contra leges & ordinationes dictæ dominæ Reginæ, regni sui Angliæ & contra formā diuersorum statutorum in huiusmodi casu edit' & prouis.

SECTIO 261.

Extortion of an Escheators seruant.

IVrator pro domina Regina præsent, quod R.B. de P. in com Ebor yeoman, seruiens & minister cuiusdam B.T. eschaetor dict' Dominæ Rñæ in comit prædict' 29. die Septembris, Anno &c. apud W. in comit E. prædict' domum mansionalem cuiusdam I.M. fregit & intrauit, xij. tergora corij vocat hides of grēne leather, ad valentiam viij. li. & sex duodenas pellium vitulorum, vocat, sixe dozen of calues skins, ad valentiam 4. li. 10. s. Quæ quidem tergora & pelles adtunc & ibidem inuent, color officij sui extorsiue, & iniuste cepit, seisiuit, & asportauit, ad graue damnum ipsius I contra leges & ordinationes dictæ dominæ Reginæ regni sui Angliæ, & contra formam diuersorum statutorum in huiusmodi casu edit & prouis. A

SECTIO 262.

For extortion in a Register.

IVratores pro Dom Regina præsentant, quod A. B. de C. in dicto com E. generosus, primo die mensis Aug', &c. (ad tunc scriba, (siue Registrarius) reuerendi in Christo patris, D. tunc permissione diuina E. archiepiscopi existens) apud M. in comitatu E. prædict' colore officij sui prædicti, extorsiue ac iniuriose cepit de quodam I. S. de M. prædicta in dicto comit E. Tanner, duos solidos legalis monetæ Angl', pro feodo ipsius A.B. pro scriptione probationis vnius testamenti cuiusdam R.N. (qui quidem R.N. apud M. prædictā infra diœcesem dicti D. Archiepiscopi vicesimo quarto die Iulij, Anno supradicto mortuus est) vbi reuera idem Testamentum tunc ibidem allatum est ad dictum Scribam (siue Registra- A

Regiſtrarium) per dictum I. S. in pergameno ſcriptum: & vbi omnia bona, Iura, & credita dicti R. N. dicto tempore dictæ mortis ſuæ non excedebant ſummam quinque librarũ: & vbi etiam tota dicta ſcriptio probationis teſtamenti prædicti per præfatum Scribam (ſiue Regiſtrarium) ſic vt præfertur facta, non continebat in ſe quadraginta lineas quarum quæque linea erat decem pollicium in longitudine: In magnum dictæ Dom̃. Reginæ contemptum, ac contra formam cuiuſdam ſtatuti in parliamento Domini Henrici nuper Regis Angliæ octaui tento, Anno regni ſui viceſimo primo, in huiuſmodi caſu prouiſi ac editi.

SECTIO 263.

¶ Eſcheator inquiren' ſine breui, de terr', vltra v.li. per annum.

A IVratores &c. quod cum in ſtatũ in Parliamẽt Domini H. nuper Regis Angliæ octaui apud Weſtm̃ Anñ regni ſui 33. &c. quod nullus eſcheator ſederet tantum virtute officij ſui pro inquiſitione, de tenura, titulo, vel valore aliquarum terrarũ, tenementor̃, ſiue hereditamẽt̃, vbi eadem terr̃, tenẽta, ſeu hæreditamẽt̃, ſint valoris 5. librar̃ per annum vel ſupra, & tenẽ de dño rege, ſine breui dñi Regis ſibi inde dirigend', ſub pena amittendi & forisfaciendi pro quolibet tẽpore quo ſederet & faceret inquiſitionem contra formam huius ſtatuti, quinque libras, in qua ſecta &c. prout &c. Quidam tamen R. B. ſtatutũ prædict' &c. exiſtẽ eſcheator Dñæ Reg' in com̃ E. præd tali die & anno, apud D. in præd' com̃ E. ſedebat, tantũ colore officij ſui ad inquirend' poſt mort̃ cuiuſd' A. E. de tenura, titulo, & valore duorum meſ. xl. acrar̃ paſc', 30. acrarum prati, 50. acrarũ paſturæ, & 20. acrar̃ boſci, cum pertiñ in O. in com̃ E. præd', annui valoris decem librarum & vltra, & tenẽ de dña Regina, abſque aliquo breui iſius dominæ ſibi inde directo, in dictæ dominæ Reginæ contemptum & contra formam & prouiſionem ſtatuti præd' &c.

SECTIO. 265.

¶ *Inquisitio de felone de se.*

INquisitio indentat capt apud N. in com̃ præd' 13. die April', anno &c 35. coram Iohanne N. gen̄, vno Coronat dictæ dominæ Reg' comitatus præd', super visum corporis cuiusdã H. W. de D. in comit̃ E. præd' Sho. ibidem mortui iacent̄, p sacrament̄ &c. qui dicunt sup sacrament̄ suũ, quod p̃d' H. 4. die Apr', anno regni dictæ dñæ Reg' 35 supradicto, circa hor̃ 4. post meridiem eiusdem diei, deum præ oculis suis non habẽs, sed instigatione diabolic' seduct', in quodã prato cuiusd' W. S. gen̄ apud T. prædict' in dict' com̃ G. voc' E. meadow, adtunc & ibid' solus existẽs, cũ 1. cingulo corij, precij 1. denar', q̃ ipse adtunc & ibid' in manib⁹ suis tenuit, & vnum finem inde circa collum suũ adtunc & ibid' posuit, & circa ramum cuiusdam arboris salicis alter̃ finẽ inde ligauit & seipsũ adtunc & ibid' voluntar̃ & felonice suspend', suffocabat, & strãgulabat. Et sic Iur̃ p̃d' dicũt sup sacramentũ suũ, quod p̃d' H. W. modo & forma præd' adtũc & ibid' voluntarie & felonice, vt felo de se, seipsum murderauit, contra pacem dictæ dominæ Reginæ, ac quod idem B. nulla habuit bona seu catalla, terras neque tenementa. In cuius rei testimonium tam præfat coronat quam iur̃ prædict', præsent̄ sigill' sua apposuer̃, datum die, anno & loco supradictis. A

SECTIO 266.

¶ *Forcible entrie sur Anno 5. R. 2.*

INquiratur pro Domina Regina &c. quod cum in Statuto in Parliamento Domini R. nuper Regis Angliæ secund' post conquest, apud Westmoñ in com̃ Middl', Anno regni sui 5. tent̄, edit̄, inter cętera ordinat̄ sit, quod nullus faceret ingressum in aliquã terrã, siue tenementa, nisi in cas. vbi ingressus datur per legem, & in illo casu, non manuforti, nec cum multitudine gentium, sed licito & quieto modo tantum. Et si quis contrarium fecerit, & inde debite A

conuict'

conuict' fuerit, per impriſonament' corpor' ſui puniatur, & finem ad voluntat' dom̃i Regis fac', prout in eodem ſtatuto inter alia plenius continetur. Quidam tamen T. H. de I. in comitatu E. præd' Y. &c & alij malefactores ignor' &c. ſtatutũ p̃d' minime ponderant, ſecũdo die M. &c. vi & armis viz. baculis, gladijs, falcaſtris, & bifurcis, in vnum clauſum I. C. Militis iacent' apud Arrow. in comitatu E. prædicto, in quodam loco ibidem voc' A. ſuper poſſeſsionem eiuſdem I. C. Militis, vbi ingreſſus eis aut eorum alicui non datur per legem, illicite ingreſſum fecerunt, & centum particas ſepium viuar', ipſius I. C. Militis, adtunc & ibidem creſcent' eradicauer', euulſerunt, & ſpoliauerunt, in dictæ dominæ Reginæ nunc contemptum, & ad graue damnum ipſius I. C. Militis, & contra formam ſtatuti prædict' &c.

SECTIO 267.

¶ *Pur forcible Entrie ſuper 5. R. 2.*

A INquiratur pro domina Regina, quod cum in ſtatuto in parliamento domini Ric' nuper Reg. Anglie poſt conqueſtum 2. apud Weſtm̃ Anno regni ſui v. tent', ordinat' & ſtabilit' exiſtit, quod nulla perſona extunc faceret aliquem ingr' in aliquas terras vel tenta, niſi in caſ. vbi ingreſſus ei datur per legem, & in huiuſmodi caſu, non manufort', nec cũ multitudine gentium, ſed quieto & pacifico modo tantum. Et ſi aliqua perſona extunc de cætero in contrarium faceret, & inde debito modo conuinceretur, puniretur per impriſonament' corporis ſui, & vlterius finem & redemptionem eidem domino Regi, ad voluntatem & placitum ipſius domini Regis faceret, prout in eodem Statuto inter alia plenius continetur. Si quidam W. nuper de K. in comitatu E. præd' **Huſbandman**, I. W. ſenior de E. in comitatu E. prædict' **huſbandman**, & I. W. nuper de E. prædict' in comitatu E. prædict' **Labozer**, ſtatut' præd' minime ponder', nec pœnam in eodem ſtatuto contentam aliqualiter verent', ſed illud potius contemnentes, xxiiij. die Ian. &c. apud S. in com̃ E. prædict', in vnum meſuagium

gium siue tenem̃t existens liber̃ teñt cuiusdam I.H.illicite & manuforti ingress fecerunt, vbi nec ipsis nec eorum alicui huiusmodi ingressus datur per legem, ac ipsum I.H. inde iniuste expuler̃, ipsumq; I. sic inde expulsum, a prædict̃ xxiiij. die Ia. Anno prædict̃, vsque ad xxvj. diem eiusdem mensis tunc proxim̃ sequent̃, illicite & manufort̃ extratenuer̃, in cõtemptum dictæ dñæ Reginę nunc, & graue damnum ipsius I. & cõtra formam statuti præd', ac contra pacem dictæ dñæ &c.

SECTIO. 265.

¶ *Of forcible Entrie, & discontinuance 8. H. 6.*

IVratores pro domina Regina nunc pręsentant, quod cum in statuto in parliamento dñi H. nuper Reg. Angliæ sexti, apud Westm̃ in com̃ Midd', Anno regni sui 8. tent̃, ædit̃, inter cætera continet̃, quod si aliqua persona siue aliquæ personæ, de aliquibus terris seu tenementis manufort̃ expuls. seu disseisit̃ sit, vel pacifice expellatur, & postea manufort̃ extra teneat̃, vel aliquod feoffament̃ vel discontinuatio inde post talem ingressum ad ius possessoris defraudend' & tollend' aliquo modo fiat, habeat in hac parte pars grauat̃, versus talem disseisitor̃ Assisam nouę disseisinę, vel breue de transgres. Et si pars grauat̃, per assisam vel per actionẽ transgressionis recuperet, & per veredictum vel aliquo alio modo per debit̃ legis formã inueniatur, ꝙ pars defend' in terr̃ & tenement̃ illa, vi ingressa fuit, vel ea ꝑ vim post talem ingress. suum tenuit: recuperet quer̃ damna sua ad triplum, versus talẽ defend', & vlterius idem defend' finem & redemptioñ dicto dño Reg. faceret, prout in statuto præd' plenius continetur. Quidam tamen W. W. nuper de W. in prædict' com̃ E. **Husb.** & C. D. nuper de W. prædict', in prædict' com̃ E. **Labourer**, statutum præd' minime ponderant̃, nec pænam in eodem statut̃ content̃ aliqualiter, verentes, xix. die Feb. Anno &c. in vnum horreum apud W. prædict' adtunc existeñ liberum teñtum R. W. gener̃, vi et armis, viz. gladijs &c. manuforti & illicite super possessionẽ cuiusdam A. M. tunc firmarij præd' W. horr̃ prædict̃ intra-

intrauerunt & ingreſſum fecerũt, & ipſum A. vi & armis p̄d' ac manuforẽ & illicite tunc inde expulerunt & eiecerunt, & præf. R. W. inde iniuſte diſſeiſiuerunt, & præf. R. W. ſic inde diſſeiſitum a præd' xix. die Feb. Anno xv. ſupradicto, vſque diem captionis huius Inquiſitionis, de p̄d' horreo vi & armis præd', & manuforti extra tenuer, & adhuc extra tenent, in cõtemptum dictæ dñæ Reg. nunc, & ad graue damnũ ipſius R. & contra pacem dictæ dñæ Reginæ, ac contra formam ſtatuti præd', vbi nullus eorũ nec ipſi nec aliquis alius cuius ſtatũ ipſi, aut aliquis eorũ habuit aut habuerunt infra tres annos proximos ante ingreſſum ſuũ prædict', aliquid in dictis horreis &c. aut in aliqua inde parcella habuit &c.

SECTIO 268.

¶ *For forcible Entrie, and holding out, ſupra 8. H. 6.*

AInquiſitio capta apud W. in coñ S. primo die I. anno regni dominæ Eliz. dei gratia &c. vxj. coram R. W. Miſ' F. G. armñ R. F. Iuſtic' dictæ dñæ Reginæ ad pacem in coñ præd' conſeruand, necnon ad diuerſa feloñ, tranſgreſſ. & alia malefacta in eodem comitatu perpetrat audiend' & terminand aſſignũ per ſacrũ xij. Iur exiſt' præſent, qui dicunt ſuper eorum ſacrament quod cum in ſtatuto in parliamento dñi H. 6. nuper Regis Angl' apud W. anno regni ſui octauo tent edit, inter cetera contineatur quod ſi aliqua perſona de aliquibus terris vel tenementis manuforti expulſa ſit vel diſſeiſita, vel pacifice expellatur, & poſtea manuforti extra teneatur, vel aliud feoffamentum vel diſcont inde, poſt talem ingreſſum, ad ius poſſeſſoris defraudand' ſeu tollend' aliquo modo fiat, habeat pars in hac parte grauata, verſus talem diſſeiſitorem, Aſſ. no. diſſeiſiñ, vel breue de tranſgr, Et ſi pars grauata per Aſſ. vel per actionem tranſgr recuperet, & per veredictum, vel alio modo, per debitam legis formã inueniatur, quod pars def. in terras & tenement ill' vi ingreſſum fec', vel ea poſt ingreſſum ſuum, per vim tenuerit, recuperet querens damna ſua

ſua ad triplum verſus defend',& vlterius finē & redemptionē domino regi faciat,prout in ſtatuto prædict' plenius continetur. Quidam tñ I.S. nuper de A.in comitatu S.prædict' **yeoman**,& alij ad numerum vj. perſonarum Iurignot ſtatutum prædict' minime verenē,ix.die Aug.Anno regni dominę noſtræ Elizab.nunc Reginæ A. 34. R.W.armig. de manerio de G. cum pertineñ in A. in comitatu prædict', & de ducentis acris terræ,xx.acr prati,& centum acr paſtur',cum pertineñ, in A.prædict' in comitatu prædict', vi & armis & manuforti, v.z.gladijs, baculis, & cultellis, propulerunt & diſſeiſiuerunt, & ipſum ſic expulſum,& diſſ. a prædict' nono die A. Anñ ſupradict' vſque diem captionis huius inquiſitionis,manuforti & vi & armis, prædict' R. W. extra tenuerunt, conē pacem dictę dominæ Reginæ nunc,& contra formam ſtatuti præd', in hoc caſu editi & prouiſi.

SECTIO. 269.

¶ *For Forging Letters patents, and the great Seale.*

I Vrat præſ. quod R. D.nuper de H. in coñ H. **huſbandman**,& alij machinantes,quomodo populum domini regis nunc ſubtiliſſime poterint decipere vel defraudare,& dominum regem, de his quę ad ipſum regem pertinent, & regalia ſua, vt de feod' magni ſigilli & huiuſmodi,exhæredare,& veram legem Angliæ,a toto tempore viſitatam & approbatam, ſubuertere & adnullare, xvj. die Februar &c. apud T. in comitatu M. deceptiue,falſo & proditorie, quaſdam falſas literas patentes, ad ſimilitudinem ſcripē cancellar domini regis, controfac',quaſi eſſent literæ patentes, de protectione ipſius reg.ſub nomine I.K.clerici hanaperij dñi Regis,ac vnius clericorum cancellarię prædict' ſcripē,hunc tenorem continent, viz. H. dei gratia &c. **reciting the Letters patents verbatim**,Ac cum ijdem R.B. & alij &c.dictas falſas literas patent ſic vt premittit, controfeciſſent, non habentes magnum ſigillum domini Regis,deceptorie,falſo,& proditorie, machinant, qualiter ipſi falſas & fictas literas patentes huiuſmodi,

ſubtil-

ſubtilius poterant ſigillare, & magnum ſigillum domini regis controfacere, dict' 16. die Februarij anno ſupradict' apud B. in coñ prædict' quoddam magnum ſigillum domini regis, ſuper quaſd' patent' ipſius dñi regis pręante pend', & debit' impoſitum, acceperunt, aſſumentes ſibi regiam poteſtatem, & ipſũ regẽ regali ſua auctorit' (quantũ in eis fuit) priuant', ad tunc & ibidem cum quodam cultello arripuerunt, & illud, dictis falſis, fictis & controfactis literis patent', decept' & proditor' appoſuerunt, & annexerunt, & eaſdem literas ſigillauer', ſigill' ill' ſubtilit' recludendo, quaſi ſic non feciſſent, & ſic magnum ſigillum domini regis ad tunc & ibidem prodit' controfecer', & cum præmiſſa ſic feciſſent, dictas falſas & controfact' literas patentes, ac vt præd' ſigillatas, 8. die Mar &c. apud villam de S. in comitatu M. ac in diuerſis locis eiuſd' coñ, tanquam literas patent' ipſius domini Regis de protect', deceptor', falſo, & proditorie, publicauerunt, & diuerſas pecuniarum ſummas, de diuerſis ligeis domini Reg. receperũt, virtute dictarum falſarum fictarum controfactarum literarũ patent', in deceptioñ dñi regis, ac populi ſui preiudic', & exheredationem manifeſtam &c.

SECTIO. 270.

¶ *Forgerie of an Indenture.*

AInquiratur pro domina Regina, quod cum in ſtatuto in parliamento domini H. nuper Regis Angl' apud Weſtm̃ anno regni ſui quint, tent', ædit', &c. quod ſi aliqua perſona ſiue perſonæ quęcunque poſt primum diem Iunij tunc prox. ſequent', ex ſua propria mente & imaginatione, ſeu per falſam conſpirationem & fraudem, cum alijs, ſcienter, ſubtiliter, & falſo fabricaret ſiue faceret, ſiue ſubtiliter cauſaret, ſeu ſcienter conſentiret fabricari, ſiue fieri, aliquod falſum fact̃ũ, chartam, ſeu ſcriptum ſigillatum, Rotul' curię, aut teſtamentum alicuius perſonę, ſiue perſonarũ in ſcriptis, ea intentione, quod ſtatus liberi teñti, ſeu hęreditatis alicuius perſonæ, ſiue perſonar' de, in, aut ad aliqua terras, teñta, ſeu hæreditamenta liberæ

tenuræ,

tenuræ, aut cuſtomāt, vel rectum, titulus, ſiue intereſſe, alicuius perſonæ, ſiue perſonarum, de, in, vel ad eadem, ſiue aliquod eoꝝ, moleſtari, perturbari, deſtrui, recuperari, vel onerari, poterit, aut cõringet, aut poſt prædꝰ primũ diem Iunij pronunciaret, publicaret, ſeu oſtenderet in euidentiam, aliquod falſum & effictum factum, cartam, ſcriptum, Rotulꝰ curiæ, aut teſtamentum, tanquam vera, ſciens eadem facta falſa ac efficta (vt præfertur) ad intentionem ſupramencionāt, & inde foret conuictus, aut ſuper aliquam actionem ſiue actiones fabricandi falſa facta, ſuper hoc ſtatuꝫ fundandꝰ ad ſectam partis grauatæ, vel aliter, ſecundum ordinem & debit curſum legum huius Regni Angliæ, aut ſuper billam vel informationem in Curiam cameræ Stellꝰ exhibendꝰ, iuxta ordinem & vſum Curiæ illꝰ: ſolueret parti grauatæ, cuſtagia & damna ſua, ad duplum, inueniendꝰ ſeu aſſidendꝰ, in curia vbi huiuſmodi conuictio foret: ac etiam ſtatueretur ſuper colliſtrigium in aliqua aperta villa mercatoria, aut alio loco aperto, & ibidem haberet ambas aures ſuas abſciſcas, ac nares ſuos interſciſſos & in partes diuiſos, & ferro igneo cauteriſatos, ſic quod remanere poſſent pro perpetua nota & ſigno falſitatis ſuæ, & forisfaceret dñæ Reg. hæredibus & ſucceſſoribus ſuis integr exitus & proficua terrarum & teñtorum ſuorũ durante vita ſua, ac etiam ſufferret & haberet perpetuum impriſonamentum durante vita ipſius, prædictis damnis & cuſtagijs recuperandꝰ ad ſectã partis grauatæ (vt p̄fertur) primo ſoluendis & leuandis de bonis & catallis offendentis, & de exitibus & proficuis dictarum terrarũ, teñtorũ, & hæreditamenꝫ huiñdi partis conuictę, aut vnius ſeu vtriuſque eorũ, prædꝰ titulo dictę dñæ Reginæ, hæredꝰ vel ſucceſſorum ſuorum ad eadem, non obſtante, prout in eodē ſtatuto inter alia plenius liquet. Quidam tamen T.M. de C. in prædictꝰ coñ E. Clericus, ſtatutum prædictꝰ non ponderans, nec pœnam in eodem contentam verens, poſt prædictum primum diem Iunij, ſcilicet, &c. apud T. in prædicto comitatu E. ex ſua propria mente & falſa imaginatione, conſpiratione, & couina, quoddam falſum factum,

ctum videlicet quand'. Indenturam, per quam quidam T.A. barganizaret & venderet omnes illas terras & tenementa vocat' &c. cum pertin' in T. in prædict' comitatu E. cuidam I. S. scient', subtilit', & falso fabricauit & fecit, & eandem Indenturam tunc & ibidem pronunciauit, publicauit, & legi fecit, & in euidentiam ostendit, ad molestand', destruendum, & perturbandum statum, possessionem, titulum & interesse præd' T. B. in terris & tenementis prædict', per quod idem T. B. de possessione, titulo, & interesse suis. ad tenementa prædict' cũ pertin' multipliciter pregrauat' & vexat' existit, in dictæ dominæ Reg. legisque suæ contemptum manifestum, & ipsius T. dampnum non modicum & grauamen, ac contra formam statuti prædict'. &c.

SECTIO. 271.

¶ *Of Forestalling the Market.*

A Inquiratur pro domina Regina quod cũ R. N. de ciuitate N. in comitatu ciuit' N. mercator possessionatus fuit de mille salsament' vt de. suis bonis propriis, si I. T. de ciuitate N. præd' **Fishmonger** tertio die &c. apud N. præd' in com' prædict' ciuit' N. & diuers. diebus tam antea quam post, prefat' R. N. tunc & ibidem obuiand' cum dictis mille salsament' in mercat' ciuitat' prædict' in comitatu præd' venditur' prædict' mille salsament' de præf. R. N. adtunc & ibidem extra mercatum ill' emit & forstallauit, per quod, præd' R. N. prædict' mille salsament' ad mercat' prædict' non adduxit in contempt' dominæ Reginæ ac contra formam diuersorum statut' in huiusmodi casu edit' & prouis. ac contra pacem dictæ dñæ Reginæ &c.

SECTIO 272.

¶ *For vnlawfull Games.*

A Inquratores pro Domina Regina præsentant, quod A. B. de C. in comitatu E. **Tipler**, secundo die Septembris, Anno

Anno &c. & continue post dictum diem Anno supradicto, vsque primum diem mensis Octobris, Anno supradicto, apud C. prædictam in comitatu E. prædict', quendam communem locum iaciendi globos (vocatum Anglice, **A comon bowling Alley**) pro lucro ipsius A. B. proprio, & ad ludendum tunc ibidem cum globis (Anglice vocatis **Bowles**) illicite tenuit, custodiuit, ac manutenuit, contra formam cuiusdam Statuti in parliamento Dom̃ Henrici nuper regis Angliæ 8. tento anno regni sui, 33. in huiusmodi casu prouisi & editi: Et quod I.S. de C. præd' in dicto comitatu E. **Labourer**, & tres aliæ personæ ignotæ, dicto secundo die Septemb. Anno supradicto, dictum communem locum visitauerunt, ac tunc ibidem cum globis (Anglice vocatis **Bowles**) in simul & illicite luserunt, contra formam Statuti prædicti.

SECTIO 272.

¶ *For Gilting.*

I Vratores pro domina Regina præsentant, quod A. B. de S. in dicto comitatu E. Aurifaber, secundo die Iulij Anno &c. 35. apud S. prædictam in comitatu E. prædicto, quoddã manubrium pugionis ferrei (Anglice dictum **a dagger hilt of yron**) cuiusdem E. D. de S. prædicta in dicto comitatu E. **yeoman**, valoris duorum solidorum, auro purissimo ad valentiam quinque solidorum deauratit, (Anglice **did Guild with the finest Gold**) in magnum Reipublicæ detrimentum, ac contra formam cuiusdam statuti in Parliamento domini H. nuper Regis Angliæ quinti, tento Anno regni sui octauo, in huiusmodi casu prouisi & editi. A

SECTIO 273.

¶ *Of Horses sold into Scotland.*

I Vratores pro Domina Regina ptæsentant, quod quarto die mensis Iulij, Anno regni dict' dñæ nostr' Eliz. Dei gratia Angliæ, Franciæ, & Hyberniæ Reg. fidei defensoris &c. Tricesimo quarto A. B. de C. in comitatu E. **Blacksmith**, apud A

apud quendam locum vocatum **le Ferrie**, (in C. prædicta in Comitatu E. prædicto existentem) vnum equum castratum (Anglice dictum a **Gelding**) coloris albi, & pretij quatuor librarum legalis monetæ Angliæ, cuidam A. D. generoso (natione homine Scoto) pro summa quatuor librarum in pecunijs numeratis prædicto A. B. per præfatum A. D. tunc ibidem solutis, voluntarie vendidit. Ac tunc & ibid', eundem equum eidem A. D. ea intentione ad equum prædictum in regnum Scotiæ abducendum & conueiandum (absque aliqua speciali licentia dictæ dominæ Reginæ nostræ nunc, per literas suas patentes sub magno Sigillo Angliæ ad idem sic faciendum inde prius obtenta) voluntarie & felonice tradidit ac deliberauit, contra pacem dictæ dominæ Reginæ nostræ nunc, ac in eneruationem huius regni sui Angliæ, necnon cõtra formam diuersorum statutorum in huiusmodi casu prẽantea prouisorum & editorum.

SECTIO 275.

¶ *For stealing of Horses.*

A INquiratur &c. si E. H. &c. decimo die &c. vi & armis, viz. &c. duos equos coloris albi, precij &c. de bonis & catallis cuiusdam I. F. apud M. in prædict' comitatu E inuenẽ quodam baculo percussit & verberauit, in tantum quod vnus equus equorum prædict' ex percussione & verberatione illis ibidem incontinenter interijt, alterque equor prædict' multipliciter fatigat' læsus & deteriorat' existit. Et alia enormia eidem I. F. intulit ad graue damnum ipsius I. F. & contra pacem dictæ dominæ Reginæ &c.

SECTIO. 276.

¶ *Hue & crie, super 13. Eliz. 1.*

A INquiratur pro Domina Regina, quod cum in Statuto in parliamento domiñ E. nuper Regis Angliæ primi, progenitoris dñæ Reginæ nunc, apud Wintoñ, Anno regni sui xiij. tenẽ, edit, inter cetera ordinat' sit, pro eo quod, de die, in diem

roberiæ, homicidia, incendia domorum, & latrocinia, plus ſolit tunc fiebant quam antea ſolebant, & felones non potuiſſent eſſe attinct' per ſacramentum Iurat', qui magis voluntarie permittebant felonias fieri gentibus extraneis, & felones euadere abſque pæna, quam malefactores indictari, vbi maior pars fuerunt gentes de eadem patria, vel ad minus, ſi malefactores fuerunt de alia patria, eorum receptores fuerunt de viſu, vbi huiuſmodi malefacta fiebant, & hoc faciebant, pro eo quod ſacramenta eiſdem Iurat' non miniſtrabantur, nec in patria vbi felonie illæ fiebant, & quoad reſtitutionem damnorum, pæna ante nunc, non fuit prouiſ. pro concelament' & negligentia ſuis. Idem nuper Rex pro poſſe huiuſmodi felonias debilitand' & decreſcend' ſtabiliuit pænam in illo caſu, ita quod exinde magis protimore pœnæ quam pro pauore ſacrament', nullis felonibus extunc parcerent, nec aliquis felonias extunc concelaret, & quod proclam fieret in omnibus Com, hundred', mercat', ferijs, & omnibus alijs locis vbi multitudo gentium foret aſſemblata, ſic quod nulli per ignorantiam ſe poſſint excuſare, & quod quelibet patria extunc ſic poſſit cuſtodiri, quod inſtanter poſt roberias & felonias factas, recens inſecut' fieret de villa in villam, de patria in patriam, & etiam inquiſitiones fierent, ſi neceſſe foret, in villis, per ipſum qui dominus vel ſuperior eſſet in villa, & poſtea in hundred' & franchefia, & in comitatu, & aliquando in duobus, tribus, vel quatuor com, in caſu quando felonie factæ fuer' in Marchijs & confinijs com, ita quod malefactores potuiſſent eſſe attincti. Et ſi patria de corporibus huiuſmodi malefact' non reſponderet, pœna talis eſſet, quod quælibet patria, ſcilicet homines in patria commorantes reſponderent de roberijs factis & dam, ſic quod totum hundred', vbi roberia facta fuit, cum franchefijs, quæ eſſent infra præcinctum eiuſdem hundredi reſponderet de roberijs factis. Et ſi roberia foret in diuiſis duorum hundredorum, in huiuſmodi caſu reſponderent inde ambo hundreda, ſimul cum franchef. quæ forent infra precinctum hundred'

dred' prædict', & longioris temporis ſpacium non haberet patria poſt roberiam & felonias factas, quam xl. dierum, infra quos faceret emend' de roberia vel de malefactis, vel reſponderet de corporibus malefactorum, prout in ſtatuto prædict' plenius continetur. Ac cum quidam malefactores ignoti 3. die M. Anno &c. apud N. in comitatu E. præd', quæ quidem villa eſt infra hundredum de H. vi & armis, videlicet, gladijs, baculis, & cultellis, in quendam O. C. inſultum fecerunt, & centum libras de denarijs ipſius O. ibidem inuent', felonice ab eodem O. ſpoliauerunt, ceperunt & aſportauerunt contra pacem &c. vt alibi, ac idem O. quam potuit citiſſ. poſt feloniam & ſpoliationem prædict' factas, ſcilicet 4. die M. Anno &c. ſupradicto apud N. prædict', per totam eandem villam, huteſium & clamorem de roberia prędicta fecit, & noticiam ibidem inhabitantibus eiuſdem villæ de roberia illa dedit, & poſt roberiam xl. dies iam præterierunt. Ijdem tamen inhabitantes emend' de roberia prædict' fact' O. hucuſque non fecerunt, nec corpora felonum & malefact' prædictorum ceperunt, neque de corporibus eorum hucuſque reſponderunt, ſed malefactores & felones illos euadere permiſerunt, in dictæ dominæ Reginæ nunc contemptum, & ipſius O. graue damnum, & contra formam ſtatuti prædict. &c.

SECTIO. 277.

¶ *For Hunting by night.*

A IVratores pro Domina Regina præſentant, quod ſecundo die Auguſti, Anno regni Dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris, &c. Triceſimo quinto, inter horas decimam & vndecimam in nocte eiuſdem diei, A. B. de C. in dicto comitatu E. generoſus, D. E. & G. H. de F. in dicto comitatu E. Huſbandmen, agregatis ſibi nonnullis alijs malefactoribus ignotis, ad numerum ſex perſonarum, vi & armis, videlicet,

prælongis baculis arcubalistis, & sagittis, clausum & parcum dictæ dominæ Reginæ nostræ apud O. in dict' comitatu F. fregerunt, intrauerunt, & vnum par damarum dictæ Dominæ Reginæ (Anglice vocat a brace of Bucks) in dicto parco ad tunc & ibidem depascent' inuent' illegitime venati sunt, ac cum duobus sagittis ex dictis arcubalistis emissis, & sagittatis, adtunc & ibidem occiderunt, & asportauerunt, contra pacem dictæ dominæ Reginæ: Ac quod postea, die sequente, videlicet, tertio die dicti mensis Augusti, Anno supradicto, T. S. tunc parcarius dictæ dominæ Reginæ dicti sui parci de O. prædicta in comitatu E. prædicto, informauit apud C. prædictam, T. W. vnum Iusticiariorum pacis dictæ dominæ Reginæ in dicto comitatu E. prædicto, de illicita venatione prædicta, modo & forma prædictis facta, qui quidem Iusticiarius superinde warrantum suum in scriptis, postea, videlicet, dicto tertio die Augusti, Anno supradicto direxit cuidam K. M. vni Constabulariorum Hundredi de S. in comitatu E. prædicto (in quo quidem Hundredo sitæ sunt prædict' villæ de C. & F.) eo tenore, vt idem Constabularius arrestaret prænominatos A.B.D.E.& G.H. ac eosdem coram eodem Iusticiario duceret & haberet, ad eos de dicta illicita venatione examinandum. Et quod dicti A.B.D. E.& G. H. postea, scilicet dicto tertio die Augusti Anno supradicto, coram dicto Iusticiario apud C prædictam, in comitatu E. prędicto per Constabularium prędictum virtute dicti warranti adducti, ac per eundem Iusticiarium per suam discretionem ad tunc, & ibidē de dicta illicita venatione, & de factoribus in ea parte examinati existentes, prędictam tamen venationem voluntarie & felonice concelauerunt, & eorum quilibet voluntarie & felonice concelauit: Contra pacem dictæ Dominæ Reginæ, coronam, & dignitatem suas, necnon contra formam cuiusdam statuti in parliamento Domini H. nuper Regis Anglię septimi tento, Anno regni sui primo, in huiusmodi casu prouisi ac editi.

Sectio 277

SECTIO 278.

¶ *For Hunting in a Parke.*

AInquiratur pro domina Regina, ſi E. P. de C. in comitatu G. geñ, H. P. de C. in comitatu prædict' geñ, & R. B. de C. in comitatu prædict' **yeoman**, xxx. die Auguſti, Anno &c. circa horam duodecimam in nocte eiuſdem diei, agregat ſibi quamplur' alijs malefactoribus, & pacis dictæ dominæ Reginæ perturbatoribus ignot', vi & armis, viz. baculis ferro munit', arcubus, ſagittis, pugionibus, & cultellis, & alijs armis tam inuaſiuis quam defenſiuis, clauſum & parcum Eliz. P. viduæ apud H. Sancti Georgij in com̃ præd', iniuſte fregerẽ & intrauerẽ, & damas ipſius Eliz. adtunc & ibidem in parco prædict' cubant' & depaſcent, cum tribus canibus vocat' **Greyhounds**, & vno rete vocat' **a Buckſtall**, quod in parco præd' tetend', iniuſte venat' ſunt & chaſiauerẽ, & vnam damã vocat' **a Buck**, adtunc & ibidem cum canibus prædict', riotoſe ceperunt, occiderẽ, & aſportauerunt, contra pacem dictæ dominæ Reginæ, ad graue damnum ipſius Eliz. & contra formam ſtatuti in huiuſmodi caſu edit' & prouiſ.

SECTIO 279.

¶ *For Hunting in a Forreſt.*

AInquiratur pro domina Regina, ſi R. M. nuper de O. in com̃ D. **yeoman**, R. P. nuper de P. in com̃ D. prædict' **yeoman**, xxix. die Aug. anno &c. foreſtam dictæ dñæ Reginæ de M. in com̃ D. prædict' fregerẽ & intrauerẽ, & vnam damam vocat' **a Bucke** ad valenc' x. s. adtunc & ibidem inuenerẽ, ſine licentia & voluntate dictæ dñæ Reginæ, cum cane leporario vocat' **a Greyhound**, fugauerẽ & chaſiauerẽ, & dictam damam apud R. infra præcinct' foreſtæ prædict', cum funibus Anglice vocat' **Halters** ſuſpend & occiderẽ, & ipſam damam ſic ſuſpenſ. & occiſ. iniuſte ceperẽ & aſportauerẽ, contra pacem dictæ dominæ Reginæ &c. vt ſupra.

SECTIO. 280.

¶ *For Hunting of Conies, and keeping of Greyhounds.*

I Vratores pro domina Regina prefentant, quod A.B. de C. A in comitatu E. **Labourer** (homo laicus exiſtens) a feſto S. Barthol' Apoſtoli, Anno regni dominæ noſtræ Elizab. Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ fidei defenſoris &c. Triceſimo quarto continue vſque in hunc preſentem diem, apud C. prædictam, in com̃ E. prædicto, habuit & cuſtodiuit vnum canem (Anglice vocatum a **Greyhound**) ad venandum & chaceandum lepores & cuniculos: Et quod idem A.B. viceſimo ſeptimo die menſis Auguſti, Anno ſupradicto, vnum cuniculum valoris 4.d. in quodam clauſo I. S. de C. prædicta in dicto comitatu E. generoſi (vocato **the Conigarth**) infra parochiam de C. prædictã in dicto com̃ exiſtent̃ cum dicto cane venatus eſt, & occidit, vbi idem A. B. nunquam habuit terras aut tenemẽta, ad clarum annuum valorem quadraginta ſolidorum: In dictæ dominæ Reginæ contemptum, ac contra formam cuiuſdam Statuti in parliamento domini Richardi, olim Regis Angliæ ſecundi, tento Anno regni ſui tertio decimo, in hoc caſu prouiſi ac editi.

SECTIO. 281.

¶ *For Imbracerie of Iurors.*

I Vratores prefentant pro domina Regina, quod A.B.C.D. A E.F.G.H. &c. complices I.K. **naming al the Iurors**, &c. Iurat' in quadam aſſiſa nouæ diſſeiſinæ (quæ nuper ſummonita fuit coram dilectis & fidelibus dictæ dominæ Reginæ I.B. I C. & N.C. nuper Iuſticiarijs dict̃e dñe Reg. nunc ad Aſſiſam illam capiendam, per Breue ipſius dñæ Reg. inter W.S. & I.H de tenementis in N. in prædicto com̃ E. & poſtmodum, (viz. die Lunæ, &c. Anno &c. coram præfatis I. B. I. C. &c. apud M. in com̃ E. pred̃ict' per Breue ipſius dñæ Reg. ſi non omnes capt̃ poſit) pro veredicto ſuo in hac parte dicendo, de pref. I. H. diuerſas pecuniarum ſummas, viz. A.B. de pred' I.H. 40.s. & alia dona, ſcilicet panem, carnes, & vinum ad valentiam 20. ſolid',

ſolid' illegitime ceperunt. Et prędictus I. K. (Imbraciator eiuſdem Aſſiſę ad eandem ducendam & procurandam) de prędenominato W. S. ſummam 10. marcarum, viceſimo die Auguſti, Anno regni dictæ dñæ noſtræ Elizabethæ, Dei gratia Anglię, Francię, & Hybernię Reginę, fidei defenſoris, &c. Triceſimo quinto apud M. prædictam, in comitatu E. prædicto, illegitime ceperunt. In dictę dñę Reg. nunc contemptũ, ac contra formam cuiuſdam ſtatuti in Parliamento Domini Ed. olim Regis Anglię tertij, Anno regni ſui Triceſimo octauo tento, in huiuſmodi caſu, prouiſi ac editi.

SECTIO 282.

¶ *For Imbracerie of Iurors.*

A I Vratoꝛ dicunt, quod vbi in Parliamento domini E. nuper Regis Angl' 3. progenitoris dominæ Reginæ nunc, Anno regni ſui xxxviij. tenẽ, inter cętera concordat̃ exiſtit, quod ſi aliqui Iuꝛ in aſſiſa iuꝛ, ſeu aliquibus inquiſitionibus capiend', inter dominum regem & partem, vel inter partem & partem, quicquid capiant, per ipſos, vel per alios, de parte conquerent̃, vel defendent̃, pro veredicto ſuo dicendo, & ſuper hoc, per proceſſum in quodam articulo de iuꝛ, anno regni eiuſdem domini Regis xxxiiij. factum conuincant̃, ſiue ſit ad ſectam partis, aut alterius cuiuſcunque perſonæ, qui pro domino Rege, aut pro ſeipſo proſequi voluerit, ſoluat quilibet dictorum Iuꝛ Decies tantum quantum ipſe recepit, & habeat ille qui ſectam produxit, vnam medietatem, & dominus rex alteram medietat̃, & quod omnes imbraciatores, ducent̃ & procurant̃ tales inquiſitiones in patria, pro lucro vel proficuo, puniant̃ eiſdem modo & forma,, ſicut Iuꝛ. Et ſi Iuꝛ vel imbraciator ita conuictus, non habeat vnde in forma prędicta ſatisfacere poſsit, habeat impriſonament̃ vnius anni, prout in ordinatione & concordia prædictis continetur. Quidam T. H. & I. B. & I. C. Iurat̃ in quadam Aſſiſa nouæ diſſeiſinæ, quę nuper ſumm̃ fuit coram dilectis & fidelibus

dominæ Reg. I. A. I.C.& D. E. nuper Iuſtic' dominæ Reg. nunc,ad aſſiſam illam capiend' aſſign',per breue ipſius dominę Reg. nunc,inter W.S. de L.& I.P. de teñ in R.& S. Et poſtmodum, videlicet die, Anno &c. coram præfat' I.A. I.B.& I. C.apud W.per breue dictæ dominæ Reg. ſi non omnes capt', poſit' pro veredicto ſuo in hac parte dicendo, de præf. I. H. diuerſarum pecuniarum ſummas,viz.prædict' T.H.xl.d.prędict' I.B.xl.s. & præd' I.C.quinque marcas xx.die Oct', Anno &c.apud &c cæperunt,in dictę dñæ Reg. nunc contemptũ,ac contra formam ordinationis & concordię pręd &c.

SECTIO. 283.

¶ *For common Incloſed.*

I Vrat' pręſentant.quod eſt,& a tempore quo non extat memoria fuit, & eſſe conſueuit,apud villam de A.in corñ M. quædam antiqua communia,voc' M.per ſpacium vnius milliarij eidem villæ adiacens, pro omnibus hominibus & tenent' infra villam prædict' moram trahentibus, cum bobus, affris, porcis,bidentibus, & alijs auerijs ſuis,per totum annum infra communiam præd' depaſcend',quodque omnes illi infra villam prædictam moram trahentes, a tempore quo memoria hominum non exiſtit,infra villam prædictam, communiam pro auerijs ſuis prędictis ibidem habere debuerunt & conſueuerunt,quouſque R.C.cum alijs ignotis de couina ſua ei aſſociatis,vi & armis, ſcilicet gladijs, baculis, falcaſtris, arcubus & ſagittis,die &c. anno &c.apud E.in parochia de A. præd', de communia prædict',iniuria ſua propria, & abſque titulo, clameo,ſeu poſſeſſione per ipſos habitis, 1000.acr' ibidem,cũ ſepibus & foſſatis ſibi incluſit & obſtipauit, & illas ſic incluſas & obſtipat', vt ſeperale ſolum ſuum a prędicto die &c.vſque &c.tenuit & occupauit, in preiudicium & damnum nocumentum & impedimentum omnium hominum & tenentium prædictorum, infra cõmuniam præd' communiam habentium, necnon contra conſuetud' præd', & contra pacem dictæ dominæ Reginæ &c. A

SECTIO 284.

¶ *For ingroſſing of corne growing.*

AINquirat̃ pro domina Regina ſi A. B. de M. in comit̃ N. die & anno &c. apud M. in paroch' Sancti Iohannis infra Ward' **Berſtret**, in comit̃ ciuitat̃ N. emiſſet totum hordeum creſceñ ſuper viginti acras terr̃ apud M. in prædict' comit̃ N. ad intentionem dictum hordeum reuend' contra formam ſtatuti in huiuſmodi caſu editi & prouiſi, ac contra pacem dictæ dominæ Reginæ &c.

SECTIO 285.

¶ *For ingroſſing of Graine.*

AINquiratur &c. ſi I. C. de N. **Dier**, tertio die & anno &c. apud N. in com̃ N. ac diuerſis aliis diebus, tam ante, quã poſt diuerſa grana, videlicet 40. quarteria tritici &c. ad valenc', &c. emit & ingroſſ. & in manibus ſuis tenuit, ea intentione ad reuend' gran̄ prædict', contra formam ſtatuti in huiuſmodi caſu editi & prouiſ. in contempt̃ &c. ac contra pac̃ dictæ dominæ Reginæ &c.

SECTIO. 286.

¶ *For not keeping a light horſe.*

AIVratores pro domina Regina præſentant, quod vbi A B. de C. in comitatu E. generoſus, a primo die Iunij, anno regni dictæ Dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Frãciæ, & Hyberniæ Reginæ, fidei defenſoris, &c. Triceſimo quarto, vſque in hunc preſentem diem, terras & tenementa in C. prædicta, in dicto comitatu E. eidem A. B. & hæredibus ſuis in feodo ſimplici, ad clarum annuum valorem centum marcarum & amplius vltra omnes repriſas habuerit, ac tenuerit: Idem tamen A. B. per totum tempus prædictum, viz. a dicto primo die Iunij, Anno ſupradicto vſque nunc, nullũ habuit, cuſtodiuit, manutenuit, aut ſuſtinuit equm caſtratum (Anglice dictum a **Gelding**) habilem & idoneum pro leuis armaturæ equite (Anglice, **able and mete for a light horſe-**

Horseman) in dictæ Dominæ Reginæ conteptum, ac in magnam huius regni ſui Angliæ eneruationem, necnon contra formam cuiuſdam Statuti, in Parliamento Philippi & Mariæ nuper Regis & Reginę Angliæ, tento apud Weſtñ annis regnorum ſuorum quarto & quinto, in huiuſmodi caſu prouiſi ac editi.

SECTIO 287.

¶ *For Batterie and Mayheme.*

A IVratores præſentant pro Domina Regina, quod tertio die Septembris, Anno regni Dominæ noſtrę Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ, Reginæ, fidei defenſoris &c. Triceſimo quinto A.B. de C. in coñ Staff. Tailor, vi & armis quoddam clauſum cuiuſdam I.S. apud C. prædictam, in comitat prædict' fregit & intrauit, & in dictum I.S. tunc ibidem in pace Dei & dictæ Dominæ Reginæ exiſtentem, inſultũ & affraiam fecit, ac cum gladio diſtricto, ad valentiam decem ſolidor, quem dictus A.B. tunc ibidem in leua manu ſua tenuit, eundem I.S. crudeliter verberauit, ac dextrum pollicem dicti I.S. tunc ibidem vno ictu amputauit, ac ſic eundem I.S. nequiter & felonice tunc ibidem maihemauit, ad graue incommodum ipſius I.S. ac contra pacẽ dictæ Dom. Regi. noſtræ, coronam & dignitatem ſuam.

SECTIO 288.

¶ *Maintenancę.*

A IVratẽ præſentant, quod cum in ſtatuto in parliamento Domini H. nuper Regis Angl' 8. apud Weſt. xxviij. die Aprilis, anno regni ſui 31 inchoat, tent, & ibidem per diuerſas prorogationes, vſque xxv. diem Maij, anno Regni ſui 32. prorogat & continuat, & tunc ibidem teñt per dictum dominum Regem, cum aſſenſu dominorum ſpiritualium & tẽporalium ac communitatis in eodem Parliamento congregat necnon auctoritate eiuſdem Parliamenti, inter alia adtunc & ibidem inactitat exiſtit, Quod nulla perſona ſiue perſonę cuiuſ-

cuiuſcunque ſtatus, gradus, ſiue conditionis, ipſe vel ipſi, fuerit, ſiue fuerint, extunc de cætero illicite manuteneret ſiue manntenerent, aut cauſaret ſiue cauſarent, procuraret ſiue procurarent, aliquam illicitam manutenentiam, in aliqua actione, demando, ſecta, ſiue quærela in aliqua Curia Domini Regis, Cancellariæ, cameræ Stellatæ, albæ Aulæ, aut alibi infra aliqua dominia Regni Angl' vel Walliæ, ſiue in Marchijs earundem, vbi aliqua perſona ſiue aliquæ perſonæ habent, ſeu extunc imposterum haberent auctoritatem virtute cõmiſſionis Domini Regis, ſuarum literarum patentium, vel breuis ad tenend' placita terræ, vel ad examinandum, audiendum, ſiue determinandum aliquem titulum de terra, ſiue aliquam materiam, vel teſtes concernẽt titulum, ius, vel intereſſe, aliquarum terrarum, tenementorum, ſiue hæreditamentorum: Ac etiam quod nulla perſona ſiue perſonæ cuiuſcunque ſtatus, gradus, vel conditiõ, ipſe vel ipſi, fuerit ſiue fuerint, extunc in futuro illicite retineret ſiue retinerent, pro manutentione alicuius ſectæ ſiue placiti aliquam perſonam, aut aliquas perſonas, ſiue imbraſiaret vel imbraſiarent aliquos liberos tenentes vel iuratores, aut ſubornaret aliquos teſtes per literas, munera, promiſſa, ſiue aliquem alium ſiniſtrum laborem vel medium, ad manutenendam aliquam materẽ ſiue cauſam, aut ad diſturbationem vel impedimentum Iuſtitiæ, vel ad procurationem ſiue occaſionem alicuius periurij per falſum veredictum, aut aliter in aliquib⁹ curijs antedictis, ſub pœna foriſfaciendi pro qualibet huiuſmodi offenſa x.li. quarum vna medietas eſſet domino Regi, altera vero illi qui pro eadem perſequi voluerit per actionem debiti, billam, quærelam, ſiue informationem, in aliqua Curia dicti domini Regis, vbi nullum eſſoñ, protect', vadiac' legis, ſiue iniunctio allocabitur, prout in ſtatut prædict' inter alia plenius continetur. Quidam tamen T. L. ſtatut prædict' minime ponderans, quandam actionem quæ fuit in curia domũ Reginæ, coram Iuſticiarijs ſuis de banco, inter quendam R.B. querent, & quend' T.D. de placit debiti, pro pãrte dicti

R.B.

R.B. versus præf. T. D. xxvij. die Iunij, anno regni dñæ nræ Eliz' nunc Reg. Angliæ 35. apud S. in prædict' comitat' E. manutenuit & sustentauit, in Iusticię manifestam retardationem, & disturbantiam, ac in dictæ dominæ Reginæ nunc contemptum, & prædict' T.D. graue dannum, ac contra formam statuti prædict' &c.

SECTIO 289.

¶ *Manslaughter by Chancemedley.*

IVratores præsentant pro domina Regina, quod A. B. de C. in dicto comitatu E. **Shomaker** decimo sexto die Septembris, Anno regni dictæ dominæ nostræ Elizabethæ dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defensoris, &c. Tricesimo, apud C. prædictam, in comitatu præd' E. quendam E.F. nuper de C. prædicta, in comitatu E. prædicto **Weauer** (cui tunc ibidem fortuito & casu obuiam venit) contumeliosis verbis lacessiuit, ac in eundem E.F. tunc & ibidem, in pace Dei ac dictæ Dominæ Reginæ existentem, vi & armis insultum fecit, & ventrem dicti E. F. tunc & ibidē cum baculo longo, cuspide præcuta capitato (Anglice vocato **a long sharpe piked staffe**) quem idem A.B. tunc ibidē in manibus suis tenuit, felonice pupugit & perfodit, dans eidem E.F. vulnus mortale in dicto ventre suo, latitudinis vnius pollicis, & profunditatis septem pollicium, de quo quidē mortali vulnere idem E.F. tunc ibidem instanter obijt ac interijt: contra pacem dictæ Dominæ Reginæ nunc, & contra coronam & dignitatem suas. A

SECTIO 290.

¶ *Manslaughter by Chancemedley.*

INquiratur pro domina Regina si R.S. nuper de D. in comitatu E. præd' **Yeoman** 19. die Decemb. Anno &c. vi & armis viz. in quendam T.C. cum quodam candelabro ad valēc' xij d. quod idem Rich. in manu sua dextera adtunc & ibidem tenuit, eundem T. super caput suum felonice percussit, dans eidem A

eidem T. adtunc & ibidem vnam plagam mortalem, poſteaque idem Rich. corpus eiuſdem T. adtunc & ibidem ad terrã prõſtrauit, manibus genibuſque ſuis tam dire & violenter quaſſauit, ita quod prædict' T. de plaga & quaſſatione prædict' inſtanter interijt, & ſic prædict' R. prædict' T. modo & forma prædict' adtunc & ibidem felonic' interfecit, cõtra pacem dictę Dominæ Reginæ, coronam &c. vt alibi.

SECTIO 291.

¶ *For ſaying and hearing of Maſſe.*

A IVratores præſentant pro Domina Regina, quod I. Rumper de C. in comitatu prædicto E. clericus 8. die Aprilis, Anno regni dictæ dominæ noſtræ Elizabethæ Dei gratia, Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defenſoris &c. Triceſimo quart, apud C. prædictam in coĩ prædicto E. voluntarie dixit, & celebrauit vnam miſſam contra formam cuiuſdam Statuti in parliamento dictæ dominæ noſtræ Reginæ tento apud Weſtmonaſterium in comitatu Middleſexiæ, anno regni ſui viceſimo tertio in hoc caſu prouiſi & editi, & cõtra pacem dictæ dominæ Reginæ, coronam, & dignitatem ſuam: Et quod Maria B. de C. prædicta in comĩ prædicto E. vidua, dicto 8. die Aprilis anno ſupradicto apud C. prædictam, in comitatu prædicto, E. interfuit præſens tempore dictæ celebrationis miſſæ prædictæ, ac eandem miſſam (ſic vt præfertur dictam) adtunc & ibidem voluntarie audiuit, contra formam ſtatuti prædicti, ac contra pacem, coronam & dignitatem dictæ Dominæ Reginæ noſtræ.

SECTIO 292.

¶ *For ſaying and hearing Maſſe.*

A INquiratur pro domina Regina, ſi G. C. nuper de E. in comitatu E. Clericus, xxvj. die Martij, &c. apud E. prædict', in coĩ E. prædict', in quodam loco ibid' vocat' the Weſtrie houſe, iuxta Eccleſiam parochialem de E. prædict', in coĩ E. prædict', voluntar' vſus fuit priuato alio ritu, cæremonia forma

forma, & modo celebrationis cœnæ dominicæ, voc' **the Lords ſupper**, quam in quodam Libro intitulat, Liber communis precationis & adminiſtrationis ſacramentorum & aliorum rituum & ceremoniarum Eccleſiæ Anglicanæ, auctorizat per actum parliamenti tent in annis quinto & ſexto Reg. Domini Edwardi nuper Regis Angliæ ſexti, declar & mencionat exiſtit, videlicet dicend' & celebrand' vnam priuatam Miſſam, contra formam ſtatuti in parliamento dictæ dominæ Reginæ nunc apud Weſtmonaſt. anno regni ſui primo tent edit & prouiſ. & contra pacem eiuſdem dominæ Reginæ, coronam &c. vt alibi. Et ſi T. B. nuper de B. in comitatu prædicto **yeoman**, & I. M. nuper de W. in comitatu prædict' **Labozer**, die & anno ſupradictis, apud W. prædictam in comitatu prædicto, tempore celebrationis prædict', cœnæ Dominicæ modo & forma prædictis, fuerunt præſentes, & voluntarie audientes Miſſam prædictam in forma prædict' dictam & celebratam contra formam ſtatuti prædicti, ac contra pacem &c.

SECTIO. 293.

¶ *For counterfaiting money.*

IVratores pro Dom Regiua præſentant, quod T. S. de W. A in comitat E. **Tailoz**, machinans dictam Dominam Reginam, & populum ſuum callide & proditorie decipere, 20. die menſis Decembris, Anno regni dictæ Dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hiberniæ, Reginæ, fidei defenſoris, &c. Viceſimo nono, vnam peciam monetæ apud W. prædictam, in comitatu prędicto E. de Stanno & alijs mixtis metallis, inſtar & ad ſimilitudinem bonæ & legalis monetæ & cunei dictæ Dominæ noſtræ huius regni ſui Angl' (vocat Angl' **a ſhilling, oz peꝛce of twelue pence**) falſo & proditorie fabricauit, cudit & controfecit: poſteaque, videlicet, dicto die 20. Anno ſupradicto, eandem peciam (ſic vt præmittitur, falſo, & proditorie fabricatam & controfactam) diuerſis ligeis dictæ Dom. Reginæ, pro vera &

ta & legitima moneta huius regni ſui Angliæ apud W. prædictam, in comitatu E. prædicto, falſo & proditorie expoſuit & vtterauit. In magnam ſubditorum dictæ Dominæ noſtræ deceptionem, ac contra pacem dictæ dominæ noſtræ, coronam, & dignitatem ſuam, necnon contra formam diuerſorum ſtatutor in eiuſmodi caſu prouiſorum & editorum. Et quod M. (vxor T. A. de W. prædicta, in dicto comitatu E. generoſi) ſciens prænominatum T. S. proditionem prædictam modo & forma prædictis, feciſſe, & commiſiſſe, eundē tamen T. S. poſtea, videlicet, ſecundo die Februarij, Anno ſupradicto apud W. prædictam, in comitatu E. prædicto, receptauit, & comfortauit, ac proditionem prædictam, concelauit, contra pacem dictæ dominæ Reginæ nūc, coronam & dignitatem ſuam.

SECTIO 294.

¶ *Againſt counterfaiting & vttering of Money.*

A INquiratur pro Domina Regina ſi R. W. nuper de H. in comitatu E. **Smith**, I. L. nuper de C. in prædict' comitatu E. **Gloner**, & T. B. nuper de D. in prædict' comitatu E. **Yeoman**, Deum præoculis ſuis non habentes, ſed inſtigatione diabolic' ſeduct' machinanteſque dictam Dominam Reginam, & populum ſuum callide, falſo, deceptiue, & proditor decipere, & defraudare, duodecimo die Martij, Anno Reginæ dominæ Elizabethæ &c. ſexto, ſex pecias Monet apud B. præd. in comitatu prædict' E. de cupro & alijs mixtis metallis, ad inſtar & ſimilitudinem bonæ legalis & curren Monet & cunei dictę Dominæ Reginæ huius regni ſui Angliæ, anglice vocat **ſhillings**, necnon duas pecias e cupro ære & alijs mixtis metallis, ad inſtar & ſimilitudinem bonę legalis & Current Monetę & cunei auri dictę dominę Regin regni ſui Angl', anglice vocat **Halfe Soueraignes**, falſo et proditorie fabricauer cudef & controfecer, ac quaſdam earundem peciar ſic vt premitit, falſo & proditorie fabricar uſus & controf. &c. diuerſis ligeis dictę dnę Reg. pro vera, legit, & curren

& current Monet huius Regni Angl' apud B. prædict' in dict' comitat E. & alibi in dicto Comit E. postea deceptiue, falso, & proditorie exposuer, soluer, & vtterauer, in magnũ præiudicium fraudem, & deceptionem ligeor dict' dom Reginæ, ac contra pacem eiusdem dominæ Reg. coronam & dignitatem suam, necnon contra formam diuersor statutor in huiusmodi casu ædit & prouis.

SECTIO 295.

¶ For coining of Money.

INquiratur pro domina Regina si H. H. nuper de B. in comitatu E. Tailor, deum præ oculis suis non habens, sed instigatione diabolica seduct', vt proditor dictę Dominę Regiñ, quinto die Maij, Anno &c. sexdecim pecias Monetę vocat shillings, de falso & mixt metallo ad instar cunei huius regni Angliæ, vulgariter vocat Queene Elizabeth shillings, apud B. prædict', in comitatu E. prædict', falso, felonice, & proditorie controsecit, fabricauit & cunauit, contra pacem ac contra formam &c. vt supra. A

SECTIO. 296.

¶ For coining of Money.

INquiratur pro Domina Regina si H. A. nuper de B. in comitatu E. Loborer, & T. S. nuper de T. in comitat pręd' Laborer, die & anno &c. & diuersis alijs diebus & vicibus tam antea quam postea, Deum præ oculis suis non habentes, sed instigac' diabolic' seduct', machinantesque dictam dominam Reginam & populum suum callide, falso, deceptiue & proditorie decipere & defraudare, de iniuria sua propria absque auctoritat warrant siue concessione Regiæ Maiestat eis aut eorum alteri concess. octo pecias falsæ Monetæ, ad imaginem & similitudinem peciarum monetæ aur Anglice vocat golden Soueraignes of v.s. a pœco, apud M. in comitatu E. præd', pro iniquo lucro & aduantagio e cupro, falso & proditorie deaurauer, & easdem pecias falso & proditorie sic vt premittitur, A

præmittitur, fact', fabricat', controfact', & cunat', diuersis ligeis dictę Dominæ Reginæ pro vera legitima & current' moneta dictæ dominæ Reginę Regni sui Angliæ apud M. prædictam, in comitatu E. prædict' xx. die Octobris, anno supradicto, ac diuersis alijs diebus antea & postea, decepti-ue, falso, & proditorie exposuer', & vtterauer' in solutionem diuersis ligeis dictæ Dominæ Reginæ, necnon contra formam diuersorum statutorum in huiusmodi casu ædit' & prouis'. ac contra &c.

SECTIO 297.

Of Murder with a weapon.

A INquiratur pro Domina Regina, si H. W. nuper de S. in comitatu E. **Tailor**, & W. C. de S. in comit' E. pręd' **Weauer**, primo die Martij, anno Regni dominæ Elizab. dei gratia Angl' Franc', & Hiberniæ Reginæ, fidei defensor' 4. apud C. in parochia de S. præd', in com' E. præd', vi & armis &c. in quendam T. B. in pace dei & dictæ dñæ Reginæ, adtunc & ibid' existen', insultum fecer', & prædict' H. W. cum quodam falcastro Anglice vocat' **a Welsh hooke**, valor' xij. d. quem idē H. in vtraque manu sua adtunc & ibidem tenebat, prædict' T. B. super dextrum brachium prope manum dextram adtunc & ibidem felonice percussit, dans eidem T. adtunc & ibidem cum falcastro prædicto, vnam plagam mortalem, profunditatis duorum pollicum, & longitudinis quinque pollicum, de qua quidem plaga mortali, prædictus T. adtunc & ibidem instant' obijt. Et sic prædict' H. W. & W. C. apud S. prædictam, in comitatu E. prædict', modo & forma prædict', præf. T. B. felonice, ac ex malicia sua præcogitat' interfecer', & murdrauer', contra pacem dictæ Dominæ Reginæ nunc, Coronam & dignitatem suas. Et si I. H. de S. præd' in com' E. præd' **Husbandman**, ante felon' & murdr' prædict', per præf. H. & W. sic in forma prædict' commiss'. & perpetrat', viz. pręd' primo die Martij, Anno &c. apud S. præd', in com' E. præd' prędictos H. W. & W. C. ad felon' &

murdrum prædict', sic in forma prædict' faciend' & perpetrand' malicioſe & felonice incitauit, abbettauit, & procurauit, contra pacem dictæ &c. vt alibi.

SECTIO 298.

¶ *Murder by two with Weapon.*

IVratores pro Domina Regina preſentant, quod A. B. nuper de C. in dicto comitatu E. **Blackſmith**, & D. E. de C. prædicta in comitatu E. prædicto **Butcher**, ſeptimo die Septembris, Anno regni dictæ dom̃ noſtræ Elizabethæ, dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris, &c. Triceſimo, vi & armis, ex malitia ſua præmeditata, in quendam F. G. nuper de B. in dicto comit' E. **Yeom̃**, apud B. prædictam in comitatu E. prædict', in quodam loco ibidem (vulgariter nuncupato **the bowling place**) adtunc & ibidem in pace Dei, & dictæ dominæ Reginæ exiſtentem, inſultum fecerunt, & prefatus A. B. cum quodam gladio diſtricto, ad valentiam 5. ſolidor' quem ipſe in manu ſua dextra adtunc & ibidem tenuit, ipſum F. G. ſuper ſynciput ſuum voluntarie & felonice tunc ibidem percuſſit, & eo ipſo ictu dedit eidem F. G. quandam plagam mortalem, in longitudine trium pollicium, & in profunditate quinque pollicium & dimid de qua quidem mortali plaga, prædict' F. G. tunc & ibid' inſtanter & immediate obijt. Et vlterius, quod prædictus D. E. cum quodam Baculo ad valentiam vnius oboli (quem ipſe in manibus ſuis ad tunc ibidem tenuit) ipſum F. G. ad tunc & ibidem voluntarie & felonice percuſſit ſuper caput ſuum, dans eidem F. G. vnam aliam plagam mortalem in dicto ſuo capite, in longitudine trium pollicium, & in profunditate duorum pollicium, vnde idem F. G. de plaga vltime prædicta obijſſet, ſi non obijſſet de ictu illo priore prædicto, quem prædictus A. B. ei primo dederat. Et ſic Iuratores prædicti dicunt, quod prænominati A. B. & D. E. dict' 7. die Septemb. anno ſuprad', apud B. præd' in præd' loco (vocato **the bowling place**) prædictum F. G. modo & forma prædictis A

prædictis, ex malitia ſua præcogitata, voluntarie, & felonice interfecerunt & murdrauerunt, contra pacem dict' Dom̃ Reginæ, ac contra coronam, & dignitatem ſuam.

SECTIO. 299.

¶ *Murder without weapon, and flying.*

A INquiratur pro Domina Regina ſi I. S. nuper de T. infra parochiam de C. in comitat̃ E. prædict', Laborer 13. die Iulij, &c. non habens Deum præ oculis, ſed inſtigatione diabolic' mot̃ & ſeductus, ex malicia ſua præcogitat̃, vi & armis &c. in quendam Ric' N. apud C. in comitatu E. prædict', adtunc & ibidem exiſtẽ, in pace Dei & dictæ Dominæ Reginæ, inſult̃ & affraiam fecit, ac vno bacillo voc' a Cudgell nullius valor̃, quem idem I. S. adtunc & ibidem in manu ſua dextra tenuit, eundem R. N. in dextram partem capitis Ric' adtunc & ibidem felonice, percuſſit, dans eidem R. adtunc & ibidem cum bacillo prædict', plagam mortalem longitudinis trium pollicium, & profunditatis vnius pollicis, contundendo caput dicti Ric', de qua quidem plaga mortali, prædictus R. apud K. in præd' comitat̃ E. prædict' languebat a prædicto 14. die Iunij, anno ſupradicto, vſque 27. diem eiuſdem Menſis Iunij, tunc proxim̃ ſequen̄. Quo quidem 27. die Iunij anno ſupradicto, prædict' Ric' N. apud K. prædict', in prædict' comitatu E. ex plaga prædict' mortali obijt. Et ſic prædict' Iohannes S. eundem R. N. apud C. prædictam in comitatu E. prædict', ex malicia ſua præcogitata, modo & forma prædicta, felonice interfecit & murderauit, contra pacem dictæ dominæ Reginæ coronam & dignitatem ſuas. Et ſic prædictus Iohanes S. poſtquam ipſe feloniam & murdrum prædictum, ſic in forma prædict' feciſſet & perpetraſſet, fugam fecit, contra pacem dictæ Dominæ Reginæ &c. vt alibi.

SECTIO 300.

¶ *Murder and procurement.*

INquiratur pro Domina Regina, ſi P. P. nuper de L. in p̃d' comit̃ E. **Laboꝛer**, 22. die Octob. anno &c. inter horas ſextam & ſeptimam poſt meridiem eiuſdem diei, deum præoculis ſuis non habens, ſed inſtigatione diabolica motus & ſeductus, ex malicia ſua præcogitata, vi & armis &c. in quendam R. P. in via Regia apud P. infra parochiam de S. in comitatu E. prædicto, adtunc & ibidem in pace Dei, & dictæ dominæ Reginæ exiſtent̃ inſultum fecit, & cum vno baculo valoris ij. d. quem idem P. P. adtunc & ibidem in manibus ſuis tenuit, eundem Rich. ſuper dextram partem capitis ſui, adtunc & ibidem felonice percuſſit, dans eidem Rich. adtũc & ibidem cum baculo prædict' vnam plagam mortalem in longitudine duorum pollicium, & in profundit̃ dimid' pollicis de qua quidem plaga mortali, prædict' R. P. apud E. infra parochiam de S. prædictam in com̃ prædict' E. a prædict' 22. die Octobris, Anno xv. ſupradicto, vſque ſeptimum diem Februarij, tunc proxime ſequen̄ languebat, quo quidem 7. die Februar̃, anno xv. ſupradicto, idem R. P. apud E. prædict' in comitatu E. prædict', de prædict' plaga mortali obiit. Et ſic Iur̃ prædict' dicunt ſuper ſacramentum ſuum prædictum, quod prædict' P. P. ipſum R. P. infra parochiam de S. prædict' in comitatu E. prædicto, dicto 7. die Februarij anno ſupradicto, ex malicia ſua præcogitat̃, modo & forma prædict', felonice interfecit & murderauit, contra pacem dictæ &c. vt alibi. Et ſi Katherina P. vx. prædict' R. nuper de L. predict', in comitatu E. predict̃, **Spinſter**, ante feloniam & murdrum predict̃, per ipſum P. P. ſic in forma predict̃ factum & perpetratum, videlicet, xxj. die Octobr̃, anno xv ſupradict̃, eundem P. P. apud L predict̃ in comitatu E. prædict', ad feloniam & murdrum prædict̃, in forma prædict', ſic faciend' & perpetrand', felonice excitauit, abbettauit, & procurauit, contra pacem dict̃ Dominæ Reginæ &c. vt alib.

Sectio 301.

SECTIO. 301.

Murder and diuerse woundes.

INquiratur pro domina Regina, si T.B. nuper de S. in comitatu E. prædict' Yeoman, & H. O. nuper de S. in eodem com̄ Yeoman, 3. die Iunij &c. vi & armis ex malicia sua præcogitata, in quendam W.B. apud T. in comitatu E. prædicto, in quodam loco ibidem voc' H. adtunc & ibidem in pace dei & dictæ dominæ Reginæ existent̄, insultum fecer̄, & præd' T.B. cum quodam baculo ad valenc' duorum denarior̄ quem ipse in ambabus manibus suis adtunc & ibidem tenuit, ipsum W. B. super posteriorem partem capitis sui felonice percussit, & dedit ei vnam plagam mortalem latitudine quatuor pollicium, de qua quidem plaga mortali, prædict' W.B. immediate obijt, Et quod prædictus H. O. cum quodam pugione ad valenc' sex denariorum, quem ipse in manibus suis adtunc & ibidem tenuit, ipsum W.B. adtunc & ibidem felonice percussit, dans eidem W. in guttere suo vnam aliam plagam mortalem latitudine vnius pollicis, & profunditate quinque pollicium, vnde idem W.B. de plaga prædicta immediate obijsset, si non obijsset de ictu prædicto quem prædict' T. ei dedisset, prius. Et prædictus T.B. die & anno suprad' adtunc & ibid. cum quodam baculo ad valenc' duorum denariorum quem ipse in manibus suis adtunc & ibidem tenuit, ipsum W. B. super posteriorem partem capitis sui felonice percussit, & dedit ei vnam aliā plagam mortalem, latitud' quatuor pollicium, de qua quidem plaga mortali prædict' W. B. adtunc & ibidem immediate obijsset, si non obijsset de ictu prædicto, quem prædict' T. B. ei prius dedisset. Et quod prædict' H. O. die & anno supradictis, cum quodam pugione ad valenc' sex denariorum, quem ipse in manibus suis adtunc & ibidem tenuit, ipsum W. B. adtunc & ibidem felonice percussit, dans ei in guttere suo vnam aliam plagam mortalem latitud' vnius pollicis, & profundi-

tatis trium pollicium, vnde idem W. de plaga prædicta immediate obijsset, si non obijsset de ictu prædicto, quem prædictus T.B. ei prius dedisset. Et si prædᵗ T.B. & H.O dicto tertio die Iunij, anno supradicto, apud T. prædictᵗ, in comᵉ E. prædᵗ in prædicto loco vocᵗ H. prædictᵉ W.B. felonice interfecerᵉ & murderauerunt, & si Eliz. B. nuper de S. prædictᵗ, in comᵉ E. prædictᵗ **Spinster**, vxor prædᵗ, T.B. & Io. O. nuper de S. prædictᵗ, in prædᵗ comᵉ E. **Spinster**, vxor prædᵗ, H. O. p̄dᵗ, 3 die Iunij, anno supradictᵗ, in prædᵗ comᵉ E. vi & armis &c. in prædᵗ loco apud T. prædᵗ, vocatᵉ H. ex malitia sua præcogitata præsentᵉ fuerunt, abbettantes, auxiliantes, & confortantes prędᵗ, T.B. & H.O, ad vulnerād' p̄dᵗ W.B. & ad felloniam & murdrum prædictᵗ in forma prædictᵗ faciendū, felonice excitauerunt, & procurauerunt, contra pacem dictæ Dominæ Reginæ, coronam & dignitatem suas.

SECTIO. 302.

¶ *Manslaughter by Chancemedley.*

INquisitio captᵉ apud H. in comᵉ &c. coram me Iohañ S. vno coronᵒ domini R. in comᵉ prædictᵉ, die Martis &c. Anno &c. super visum corporis C. nuper vxoris P. B. de H. prædᵗ, apud H prædictam felonicᵉ interfectᵉ, adtunc & ibidem mortui iacentᵉ, per sacramentum proborum & legalium hominum de villa de H. & trium aliarum villarum propinquarum, videlicet S. N. & C. Aput moris est &c. ad inquirendᵗ qualiter & quo modo prædictᵗ C. ad mortem suam deuenit, videlicet per sacramentum A. B. C. D. &c. qui dicunt super sacramentum suum &c. quod vbi prædictᵗ C. die, anno, loco, & comitᵉ prædictis, circa horam secundam post meridiem dicti diei Martis fuit in pace Dei, & Domini Regis nunc apud H. prædictᵗ, ibi venit quidam W. B. nuper de C. in comitatᵉ Wigornᵉ Genᵉ, felonice vt felo Domini Regis nunc insidiandᵗ & ex insultu præmeditato, contra pacem eiusdem Domini Regis, coronam & dignitatem suas, die, anno, hora, loco, & comitᵉ prædictis, in prædictam C. magistram suam, quę adtunc A

adtunc grauida fuit & vicina partui, inſultum fecit, & eandem C. cum quadam ſecur vocat an Hatchet, precij iiij. d. quam idem W. tenuit in manibus ſuis ſuper ſiniſtram partem capitis ſui felonice percuſſit, dans ei plagam mortalem, de qua quidem plaga mortali, eadem C. inſtanter obijt, & ſic prædictus W. præfatam C. Magiſtram ſuam adtunc & ibidem felonice interfecit, & murdrauit, contra pacem &c.

SECTIO 303.

For murder of a Baſtard Child.

IVratores pro Domina Regina præſentant, quod H.M. nuper de K in prædicto comitat E. vidua, grauida exiſtens cũ quadam infante viua, 24. die Maij, Anno regni dictæ Dom. noſtrę Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris, &c. Secundo, apud K. præd', in comitatu E. prædicto, ex Dei prouidentia parturijt, & peperit vnam prolem femellam viuam: poſteaque quædam Iana S. nuper de W. in dicto comitat E. vidua, apud K. præd', in comitatu E. prædicto, vi & armis, ex malitia ſua præcogitata (dicto 24. die Maij, anno ſupradicto, circa horam vndecimam ante Meridiem eiuſdem diei) per conſilium, mandatum, & procurationem prædictæ H. M. ac in præſentia ipſius H. M. in prædictam prolem femellam viuam inſultum fecit, & cum quodam cultello (ad valentiam vnius denarij) quem eadem Iana tunc in manu ſua dextra tenuit, guttur ipſius prolis femellę adtunc & ibidem felonice ſcidit, dans eidem proli femellę quandam plagam mortalem in gutture ſuo prædicto, de qua quidem plaga mortali proles femella prædicta, apud K. prædict', in comitat E. prædicto, adtunc & ibidem inſtanter obijt. Et quod prædicta H. M. adtunc & ibidem felonice fuit præſens, confortans, & auxilians ad prædict' prolem femellam in forma prædicta interficiendam. Et ſic præfata H. M. & Iana, prædictam prolem femellam ex malitia ſua præcogitata,

felonice, & voluntarie interfecerunt, & murdrauerunt, contra pacem dictæ D. Reg. coronam, & dignitatem ſuas. Et inſuper Iuratores prædicti præſentant pro dicta Dom. Regina, quod Georgius P. nuper de K. prædicta in dicto comitatu E. Peoñ, 19. die Maij, anno regni dictæ Dominæ Reginæ ſecundo, ac diuerſis alijs diebus & vicibus ante feloniam & murdrum prædictum in forma prædicta perpetrat. apud K. prædictam in comitatu E. prædicto malitioſe & felonice conſuluit, mandauit, procurauit & abettauit, prædict' H. M. ad prędictum murdrum voluntarium faciendum, ac ad interficiendum & murdrandum dictam prolem femellam, contra pacem dictæ dominæ Reginæ: Et vlterius. quod O. P. & A. B. de K. prædicta in coñ E. præd' Spinſters, poſt murdrum & feloniam prædictam in forma prædicta facta, ſcientes præfatas H. M. & I. S. feloniam & murdrum prædicta in forma prædicta feciſſe & perpetraſſe, ipſam tamen H. M. apud K. prędictam, in comitatu E. prædicto (xxvij. die dicti menſis Maij, Anno ſupradicto) felonice receptauerunt, & comfortauerunt, contra pacem dictæ Dominę Reginæ nunc, coronam, & dignitatem ſuam.

SECTIO 304.

¶ *For murder by a ſeruant.*

IVratores pro Domina Regina præſentant, quod A. B. de C. in comitatu E. Grocer, nuper ſeruiens B. D. de C. prædicta in dicto comitatu E. Grocer, decimo die Septembris, Anno Regni dictæ dominæ noſtræ Elizabeth. Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoꝛ, &c. Triceſimo quarto in domo manſionali præd B. D. apud C. præd', in coñ E. præd', vi & armis, viz. cum gladio & pugione diſtrictis ad valenc' x. ſolidoꝛ (quos idem A. B. tunc ibid', in manibus ſuis tenuit) in prænominatum B. D. tunc magiſtrum ſuum tunc & ibidem in pace Dei & dict' Doñ. Reg' exiſtentem, voluntarie & ex malitia ſua præcogitata inſultum A

tum fecit,& eundem B.D.tum magiſtrũ ſuum,adtunc & ibidem cum dict' gladio felonice & proditorie ſuper caput ſuum fortiter & valide percuſſit,ita quod dicto ictu,caput ipſius B. D.tunc magiſtri ſui tunc & ibid' in duas partes fidit, dans ei plagam mortalem: vnde corpus dict' B.D.immeditate ibidem ad terram cecidit, & dictus B. D. inſtanter ibidem de plaga prædict' mortuus eſt.Et ſic præfatus A.B.apud C prædict' ex malitia ſua præcogitata,eundem B.D. magiſtrum ſuum prædict' modo & forma prædictis,voluntarie,nequiter,felonice, & proditorie interfecit, contra pacem dictæ dominæ noſtræ Reginæ nunc, coronam, & dignitatem ſuas. Et quod quidam I.S.de C.prædicta in dicto comitatu E. **Ꝺ2ot.** ante proditionem prædict' (per præfatum A.B.ſic vt prefertur voluntarie perpetratam & commiſſam) viz.ſexto die Septemb. Anno ſupradicto,eundem A.B. apud C.prædictam in comitatu E. prædicto,ad proditionem prædictam in forma prædicta perpetrandam & committendam, felonice cõſuluit, excitauit,& procurauit, contra pacẽ dictæ dominæ noſtræ Reginæ nunc, ac contra coronam,& dignitatem ſuam.

SECTIO. 305.

¶ *Murder by a ſeruant.*

A INquiratur &c.ſi I.M.de D.in comitatu M.**yeoman**,homo ſeruiens W. R.de S.in comitatu E.prędict ,& in ſeruitio ipſius W. pro hoc integro anno retent̃ duodecimo die Martij anno &c. apud S. in prædict' comitatu E. domum prædict' W.R.adtunc magiſtri ſui exiſten̄ vi & armis &c.felonice fregit & intrauit,& in ipſum W.adtunc & ibidem in domo ſuo propria in pace dei & dictæ dominæ Reginæ exiſten̄ inſultũ fecit & cum vno cultello vocat̃ **a trencher knife** præcij ij. d. qnem. Idem I. adtunc & ibidem in manu ſua dextra tenuit prædict' W.felonice & proditorie percuſſit, & gutter ipſius W.magiſtri ſui præd' adtunc & ibidem cum cultello illo totaliter felonice & proditorie ſcidit, dans ei adtunc & ibidem quandam plagam mortalem, de qua quidem plaga prædict'

W.

W. adtunc & ibidem inſtanter moriebatur, & ſic prædict' I. M. p̃d' W.R. magiſtr̃ ſuum adtunc & ibidem inſtanter, modo & forma ſupradict', felonice & proditorie interfecit & murdrauit, contra pacem dictæ dominæ Reginæ, coronam & dignitatem ſuam.

SECTIO. 306.

¶ *Inquiſition in Murder by weapon.*

I Nquiſitio capta coram A. B. vno Coronator̃ domini Regis &c. ſuper viſum corporis I.S. &c. qui dicunt quod ita accidit apud M. in com̃ præd' E. die &c. circa horam &c. quod vbi prædict' I. S. fuit in pace dei, & dicti domini Regis apud M. eiſdem die, anno, loco, & hora, ibi venit W.L. de M. & S. T. &c. vt felones dicti domini Regis, & ex malitia ſua præcogitat', in ipſum I.S. adtunc & ibidem inſultum fecerunt, & præd' W.L. quodam pugione preciij iiij.d. quem ipſe in manu ſua dextra tunc tenebat, dict' I. S. ſuper ſiniſtr̃ partem corporis ſui, viz. ſubter aſellam percuſſit vſque ad cor ſuum, dando ei plagam mortalem, vnde idem I. S. eadem hora tunc & ibidem obijt incontinenter, & ſic prædict' W.L. præf. I.S. apud M. prædict' in præd' com̃ E. felonice interfecit & murdrauit, contra pac̃ dicti dñi Reg. coroñ & dignitat' ſuas. Et q̃ præd' S.T. loco, die, anno, & hora præd', prędict' feloñ, fuit præſens, aſſiſtens, abbettans, procurans, confortans, & manutenens præf. W. L. ad feloñ & murdrum prædict' in forma prædict' &c. In cuius &c. A

SECTIO. 307.

¶ *For Nuſance of a Bridge.*

I Vratores pro Domina Regina præſentant, quod pons publicus & communis, ſitus in alta Regia via ſuper flumen de M. infra parochiam de A. in Comitatu E. prædicto (vlgariter dictus A.) eſt, & per aliquot annos iam proxime elapſos fuit, valde ruinoſus, & in maximo decaſu, ob defectum reparationis, adeo vt ſubditi dictæ Dominæ Reginæ, in, ſuper, trans, A

trans vel vltra dictum pontem, per se, vel cum eorum equis, bigis, aut cariagijs, ire, redire, aut transire, sine magno vitæ discrimine non audent aut possunt, ad commune nocumentum omnium vicinorum, & compatriatarum in dicto comitatu E. habitantium, quorum interest ratione negotiorum suorum illac transire: Et vlterius, quod prorsus nescitur, quæ personæ quæue terræ, tenementa, aut corpora corporata & politica, eundem pontem, aut aliquam inde parcellam, ex iure, aut ex antiqua consuetudine, reficere & reparate debent, aut consueuerunt.

SECTIO 308.

¶ *Nusance of a Bridge.*

A I Vrator̃ præsent̃ &c. quod quidam pons situat̃ super aquam de Trent in parochia de Newarke in com̃ S. vocat̃. N. Bridge, existens in Regia via, est ruinosus & in magno decasu, ita quod ligei dominæ Reg. in, per, super, vel vltra eundem pontem, absque magno periculo transire seu laborare non valent, ad commune nocumentum omnium ligeorum dictæ dñæ Reg. trans & vltra pontem prædict̃ transeunt̃ seu transire volentiũ. Et quod domina Regina nunc, ratione tenuræ seu manerij de N. supra T. cum pertiñ in com̃ S. prædict̃, pontem illum facere, reficere, & emendare debet, & quod eadem domina Regina & omnes progenitores sui, ac omnes alij quorum status eadem domina Regina modo habet in eodem manerio de N. super T. cum pertinentijs pontem illum facere, reparare, & emendare consueuerunt, de tempore cuius contrar̃ memoria hominum non existit, toties, quoties necesse fuit. In cuius &c.

SECTIO. 309.

¶ *Nusance of a Bridge.*

A I Vratores &c. quod cum a tempore quo memoria hominũ in contrariũ nõ existit, fuit quidã pons lapideus in W. in com̃ E. præd voc' A. per et trans quem quid' pontẽ, oẽs inhabitant̃

villę

villę de W. prædict' in comitatu prædict' per tempus prædict habere conſueuerunt ingreſſum & egreſſum ad quendam locum vocat H. pro negotijs eorund' faciend, tamen I. F. de &c. tali die &c. & anno &c. vi & armis &c. præfatum pontem effodit, proſtrauit, & ſpoliauit, & omnes lapides eiuſdem pontis abinde aſportauit & abcariauit, per quod inhabitantes ibidem ingreſſum & egreſſum ad præd' locum pro præd negotijs ſuis faciend' habere non poſſunt, & alia enormia per eum tunc & ibidem facta ſunt ad graue & commune nocumentum prædict' vicinorum ibidem & contra pacem &c.

SECTIO 310.

¶ *Nuſance of a Way.*

INquiratur pro domina Regina, ſi E. S. nuper de W. in comitatu W. prædict' geñ, ſecundo die Maij &c. partem cuiuſdam viæ Regiæ in W. in comitatu prædict', ducent a W. prædict' vſque ad S. in eodem comitatu, videlicet a W. præd' vſque ad quandam foueam in S. prædict' in prædict' comitatu W. vocat **le common pitt**, in eadem via exiſtentē, cum ſepe & foſſa incluſit & obſtruxit, & eandem viam Regiam ſic incluſ. a prædict' ſecundo die Maij, vſque diem captionis huius inquiſitionis, in paſturam conuertebat, & adhuc cuſtodit, in malum & pernitioſum exemplū aliorum, & ad graue damnum & commune nocumentum omnium ligeorum ſubditorum dictæ dominæ Reginæ ibidē prope inhabitantium, quorum intereſt illa tranſire, ac contra formam diuerſorum ſtatutorum in huiuſmodi caſu edit & prouiſ. ac contra pacem dictæ dominæ Reginæ &c. A

SECTIO 311.

¶ *For Premunire in a depoſition before Commiſſioners.*

IVratores præſentant pro domina Regina, Quod F. E. de G. in comitatu prædicto **Tailor**, 24. die Iulij, Anno &c. apud M. in comitatu E. prædicto coram A. B. C. D. & E. F. Armige- A

Armigeris, Commiſſionarijs (virtute Breuis dictæ dominæ Reginæ de Commiſſione, prædictis A.B.C.D.& E.F. directi, ac extra curiam Wardorum & liberationum dictæ dominæ Reginæ apud Weſtmonaſt' in comitatu Middleſexiæ, præantea emanentis (pro examinatione quorumcunque teſtium, tam ex parte cuiuſdam I.L. de M. prædicta, in comitatu E. prædicto **Weauer** querentis, quam ex parte H.M. de N. in dicto comitatu E. **yeoman** defendentis, in quadam cauſa (ſiue materia) inter ipſos I.L. & H.M. tunc in dicta curia Wardorum & liberationum controuerſa, & ibidem dependente in variantia pro titulo vnius meſuagij cum pertinentijs in M. prædicta in dicto comitatu E. perſonaliter conſtitutus Ac tunc & ibidem exiſtens teſtis productus per prædictum I. L. ad teſtificandum & deponendum in cauſa prædicta, ex parte ipſius I. L. & iuratus per Commiſſionarios prædictos, ad veritatem dicendam ſuper articulis interrogatorij ei per dictos Commiſſionarios ad tunc & ibidem miniſtrandis, ſeptimo Articulo Interrogatorio ei ad tunc & ibidem per dictos Commiſſionarios ex parte prædicti I. L. miniſtrato dixit, & ſuper ſacramentum ſuum prædictum affirmauit, & depoſuit, prout in hijs Anglicis verbis immediate ſequitur, viz. **To the ſeuenth Interrogatorie he ſaieth by vertue of his ſaid oath, that the ſaid Meſſuage was neuer occupied by the ſayd H. M. the defendant**, prout per dictam depoſitionem prædicti E. F. inter alia per præfatos Commiſſionarios in dictam curiam Wardorum & liberationum certificatam & miſſam, ac ibidem de recordo ad huc remanentem, plene apparet: vbi reuera & in facto, dictum meſſuagium diu occupatum fuit per prænominatum H.M. defendentem. Et ſic, idem E. F. dicto viceſimo quarto die Iunij, Anno ſupradicto apud M. prædictam in dicto comitatu E: coram prænominatis A.B.C.D.&.E.F. (Commiſſionarijs dictæ dominæ Reginæ ſic vt præfertur exiſtentibus) voluntarie, & corrupte, periurium commiſit voluntarium & corruptum, contr formã diuerſ. ſtatutor in hmõdi caſu prouiſorũ & editorũ.

Sectio 312.

SECTIO. 312.

¶ *Periurie in d:posit' in Cancell'.*

I Vratores &c. presentē quod W. R. 24. die &c. apud A. in comitatu E. coram I. K. & T. S. armig' & F. T. generē existentē Commissī. virtute breuis dominæ Reginæ de commissī. sibi ac alijs direct', ac extra curī Cancell' dictæ dominæ Reginæ nunc prætantea emanentis, ad examinationem diuersorū testium, ex parte cuiusdam W. C. querē, versus quendam T. N. defendentē in quadam materia inter ipsos W. & T. tunc in curī Cancellar' prædict' apud Westmonī in comitatu Midd' tunc existeñ dependentē in varianc' & controuers. pro titulo diuersorum tenementorum cum pertinen vocat' &c. in dict' comitatu Ebor', personaliter constitut' ac existens testis, productus per præfat' W. C. ad deponend' in causa prædict', ex parte ipsius W. onerat', & iuratus ad veritatem dicend' de interrogatorijs sibi per Commiss. prędict' adtunc ministrand' xviij. Interrogatorio sibi per prænominat' Commissī. adtunc & ibidem ex parte prædict' W. C. ministrat' super sacramentum suum dxit & deposuit modo & forīn, prout in Anglic' verbis sequitur, viz. **to the xviij. he saieth that &c.** recitando verbatim interrogat' illud, prout per deposic' præd' W. R. inter alia per prænominat' Commissī. in Curī Cancell' prædict' certificat', & ibidem de recordo remanen plene liquet, vbi reuera prædict' H. S. non causauit &c. neque &c. negando effectum depositionis &c. prout prædict' W. R. falso & corruptiue deposuit & iurauit, Per quod idem W. R. prædict' 25. die &c. anno 19. suprad' apud A. præd' in dicto comitatu E. coram præfat' I. K. T D. & F. T. Commissī. virtute breuis dominæ Reginæ eis directi tunc existentibus, voluntarie & corruptiue commisit periurium voluntarium & corruptiuum, in contemptum dictæ dominæ Reginæ & contra formam statuti in Parliamento dictæ dominæ Reginæ tento anno regni sui quinto in huiusmodi casu prouisi & editi, ac ad graue damnum prædicti T. N. A

SECTIO 313.

¶ *For taking of Phesants & Partriges.*

A I Vratores pro Domina Regina præsentant, quod W.G.de S.in dicto Comitatu E. **Labourer**, circiter horam decimam ante meridiem vicesimi diei Augusti, Anno regni dictæ dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defensoris &c. Tricesimo quarto, in quodam loco infra parochiam de S.prædicta in Comitatu E. prædicto (vocat̃ vulgariter, **the Wheate field**) qui quidem locus tunc fuit, & adhuc est liberum tenementum A.B. de S. prædicta in dicto Comitatu E. generosi (nec vnquam fuit in, aut de warrenna ipsius W. G. propria) duos phasianos, & decem perdices, cum quibusdam reticulis, & alijs ingenijs (valoris duorum solidorum) tunc ibidem cepit, occidit, & asportauit, sine aliquibus assensu, aggreamento, aut speciali licentia dicti A.B. in hac parte habitis aut obtentis: In dictæ Dominæ Reginæ nunc contemptum, ac contra formam cuiusdam Statuti in Parliamento Domini Henrici nuper Regis Angliæ septimi, tento Anno regni sui vndecimo, in huiusmodi casu prouisi & editi.

SECTIO 314.

¶ *Wilfull Poysoning.*

A I Vratores pro Domina Regina præsentant, quod T.H.de C in com̃. E.p̃d **yeo.** secundo die Dec', Anno regni dictæ dñæ nostræ Elizab. Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defensoris, &c. 36. apud C. præd' in com̃. E. prædicto, in domo mansionali ibidem cuiusdam W, B nuper de C. prędicta in dicto comitatu E. **yeoman**, ex malitia sua prępensa & pręcogitata, voluntarie & felonice, porrexit, ac dedit in catillo quodam eidem W.B. ad edendum, quædam olera (Anglice vocata **Potage**) ex cicuta venenosissima, & alijs herbis virulentis confecta & composita, quæ quidem olera prædictus W. B. tunc ibidem cum cocleari (quod in manu sua dextra tenuit) comedit, vnde prædictus W. B. statim postea ægrotabat, ac a prædicto secundo die Anno supradict'

in-

in dicta domo ſuo apud C. prædictam languebat, vſque ſextum diem dicti menſis Decembris, Anno ſupradicto, quo quidem ſexto die, Anno ſupradicto, prædictus W. B. ex dicto eſu olerum prædictorum, in dicta domo ſua apud C. prædictam in dicto comitatu E. interijt. Et ſic Iuratores prædict præſentant, quod prędictus T. H. prænominatum W. B. apud C. prædictam in comitatu E. prædicto, modo & forma ſupradictis. ex malitia ſua præcogitata, voluntarie & felonice, veneno prædicto interfecit ac murdrauit, contra pacem dictæ dominæ Reginæ nunc, ac contra formam ſtatuti in parliamento domini Edwardi nuper regis Angliæ ſexti (tento, apud Weſtm̃ in comitatu Midd, Anno regni ſui primo) in huiuſmodi caſu prouiſi ac editi.

SECTIO 315.

¶ *For Poyſoning.*

I Vratoꝝ pro domina Regina præſentant, quod H. R. nuper de A C. in comitatu E. yeoman 10. die Octob. Anno &c. deum præ oculis ſuis non habens, ſed inſtigatione diabolica ſeductꝰ, ex malitia ſua precogitatꝰ, quendam R. F. in pace dei & dictæ dominæ Reginæ exiſtẽ apud C. prędict, in comitatu E. prędꝰ ad bibend', prætextu amoris & amicitiæ inuitauit, & eidem R. F. adtunc & ibidem potionem quandam veneno intermixtam & intoxicatꝰ felonice dedit, quam quidem potionem p̃dictꝰ R. F. ex inſtigatione & prouocatione dicti H. adtunc & ibidem accepit, & eandem potionem ſuper illud immediate bibebat & exhauſit, ratione cuius dictꝰ R. F. immediate poſt potionem prędict ſic exhauſtam, morbo correptꝰ fuit, ac a prædꝰ 10. die Octob. An. ſupradicto, vſque quartum diem Februaꝝ &c. apud C. prędꝰ in prędꝰ com̃ E. languebat, quo quidem quarto die Februa Anno 8. ſupradicto, prædictꝰ R. F. ex potione & intoxicatione prędictꝰ, apud C. prędictꝰ in comitatu E. prędict obijt. Et ſic prędictꝰ R. H. præfatꝰ R. F. apud C. prædictꝰ in comitatu E. prędictꝰ, modo & forma ſupradictis, cum potione prędꝰ veneno intermixta & intoxicatꝰ, felonice

inter-

interfecit, & murdrauit, contra pacem dictæ dominæ Reginæ &c.& contra formam ſtatuti inde in huiuſmodi caſu editi & prouiſi.

SECTIO. 316.

¶ *Murder by Poyſoning.*

A I Vrat̃ præſent̃, quod cum in ſtatuto in Parliamento domini E. nuper Reg. Angliæ vj. Apud Weſtmonaſter in comitatu Middleſ. Anno Regni ſui primo, tento, edit̃ inter al' inactitat̃ exiſtat auctoritate eiuſdem, quod omnis voluntaria interfectio per venenum Anglice Poyſoning, alicuius perſonæ ſiue perſonarum, quæ ad aliquod tempus extunc impoſterum facta, perpetrata, ſiue Commiſſa foret, adiudicaretur, haberetur & exiſtimaretur voluntarium murdrum de malicia prępenſa, quodque offenſores in ea parte, eorum coadiutores, abbettatores, procuratores, & conſiliatores ſuſtinerent mortem & foriſfacturam in quolibet reſpectu, vt in alijs caſibus voluntarij murdri de malitia prępenſa, prout in eodem ſtatuto plene liquet, Quidam tamen A. B. nuper de C. in comitatu I. Laboyer ſtatut̃ prædict̃, & penam in eodem content̃, parui pendens, neque timorem dei præ oculis ſuis habens, vicęſimo die Ianuarij, Anno &c. apud C. prædict̃ in prædict̃ comitatu E. ex malitia ſua præcogitata, quendam E. L. voluntarie & felonice, per venenũ interfecit & murdrauit, contra pacem dictæ dominæ Reginæ coronam & dignitat̃ ſuas, ac contra formam ſtatuti prædict̃ &c.

SECTIO. 317.

¶ *Petie treaſon againſt the wife for Poyſoning her Husband.*

A I Vratores &c. quod A. B. de &c. vid' nuper vxor I. B. de F. prædict &c. contra debitum matrimonij vinculum ac zelum & amorem quem eadem I. B. erga prædict' I. B. nuper virum ſuum gerere deberet diabolico inſtinctu ducta, ex malicia ſua prędogitata, machinans & intendens eundem I. B.

P. j. nuper

nuper virum suum vita sua priuare, ac ipsum felonice & proditorie murdrare xj. die I. &c. apud &c. felonice & proditorie posuit in potu ipsius I.B. adtunc viri sui, quoddam venenum mortiferum vocat' Arsenick & Rosegre, ac potum illum sic venenatum felonice & proditorie adtunc & ibidem prædict' I.B. dedit & ministrauit bibend' qui quidem I. B. nihil fraudis aut doli versus prædict' A. inde suspiciens, potum illum sic venenatum & intoxicatum adtunc & ibidem per instigationem & prouocationem dict' A. bibit: per quod idem I.B. ab eodem xj. die &c. I. vsque xxij. diem I. tunc proxim' sequent' languebat. Quo quidem xxij. die anno &c. idem I. B. de veneno illo apud F. &c. obijt. Et sic dicunt Iurat', prædict' quod A. prædict' die & anno dictum I. B. adtunc virum suum apud &c. felonice & proditorie intoxicauit & murdrauit, contra pacem dictæ dominæ Reginæ &c.

SECTIO 318.

¶ *For the breaking of Prison.*

INquiratur pro domina Regina, si W.H. de C. in comitatu E. Yeoman, vnus Constabulariorum dict' Dominæ Hundredi sui de T. in comitatu E. prædicto (in quo quidem Hundredo sita est villa de C. prædicta) quendam R. B. nuper de C. prædicta in comitatu E. prædicto Taylor, vicesimo die Septembris, Anno Regni dictæ dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defensoris, &c. Tricesimo quinto apud C. prædictam in dicto comitato E. pro suspitione cuiusdam feloniæ) videlicet pro morte cuiusdam M. N. apud H. in comitatu E. prædicto felonice interfecti) cepit & arrestauit: Et ea de causa idem R. B. sub custodia dicti W. H. Constabularij, in prisona dictæ Dominæ Reginæ apud C. prædictam in comitatu E. prædicto, postea, scilicet dicto vicesimo die Septembris Anno supradicto fortiter, & duriter detentus fuerit, Ac idem R.B. tunc ibidem sic detentus, postea, (videlicet, dictis die & anno) apud C. prædictam in Comitatu E. prædicto, vi

A. 3.

&

& armis, prædictam prisonam ibidem felonice fregit, ac extra custodiam dicti Constabularij tunc & ibidem, contra eius voluntatem felonice euasit, contra pacem dictæ Dominæ Reginæ nostræ nunc, coronam & dignitatem suas, necnon contra formam statuti in huiusmodi casu prouisi ac editi.

SECTIO 319.

¶ *For Pulling of sheepe.*

A Inquiratur pro domina Regina si N.H. nuper de O. in comitatu E. **Labozer** xiij. die Maij Anno &c. clausum cuiusdam H.C. apud C. prædict in comitatu E. prædict, fregit & intrauit, ac lanam quatuor ouium valor iij.s. de bonis & catallis dict H.C. apud O. prædict' in comitatu E. prędict' a corporibus ouium prædictarum adtunc & ibidem existen expilabat, & ipsam lanam sic euulsam, felonice cepit & asportauit, contra pacem dictæ dominæ Reginæ &c.

SECTIO 320.

¶ *For Pursecutting.*

A Inquiratur pro domina regina si N.H. nuper de S. in comitat M. **Piller** xvj. die Aprilis, Anno &c. vi & armis, videlicet &c. in quendam Ed.R. apud C. in comitatu M. prædict' insultum fecit, & vnam bursam valor ij.d. & ix.s. in pecunijs numeratis, & vnam coronam gallicam vocat a **French Crowne** valor vj. solid', in bursa prædict', adtunc & ibidem existen, de bonis & pecunijs prædict' Ed. a persona ipsius E. clam & sine noticia ipsius E adtunc & ibidem felon cepit & asportauit, contra pacem dictæ dominæ Reginæ &c. ac contra formam statuti &c.

SECTIO 321.

¶ *For Pursfeeding.*

A Vratores pro domina Regina præsentant, quod I. S. nuper de A. in comitatu E. **Tailor**, sexto die Iulij, Anno regni

dictæ Dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris, &c. Triceſimo quarto, apud A. prædictam in comitatu E. prædicto, in quodam loco ibidem, (vocato the Elmes) vi & armis in quendam R. M. de A. prædicta in comitatu E. prędict Grocer, inſultum fecit, & viginti ſolidos in pecunijs numeratis in crumena ipſius R. M. tunc ibidem exiſtentes inuentos, de prædicta crumena ipſius R. M. tunc & ibidem a perſona ipſius R. M. (clam & inſciente ipſo R. M.) felonice cepit & aſportauit, contra pacem dictæ dominæ Reginæ, ac contrá coronam, & dignitatem ſuas.

SECTIO. 322.

¶ *For vnlawfull Purueiance of Cattaile.*

I Vratores pro Domina Regina præſentant, quod primo die Iulij, Anno regni dominæ noſtræ Elizabeth. Dei gratia Angliæ, Franciæ, & Hyberniæ Regi, fidei defenſoris &c. Triceſimo quinto, quidã H. W. nuper de G. in comitatu C. Tippler, apud C. in comitatu C. prædicto, præ ſe ferens, & aſſerens ſe eſſe vnum ex prouiſoribus & emptoribus hoſpitij dict Dominæ Reginæ, dicto primo die, Anno ſupradicto (quo quidem tempore nullum oſtendit aut ſecum habuit warrantum ſub magno aut paruo Sigillo dict' dominę Reginę) apud C. prędictam in comitatu C. prędict', tres oues caſtratas (Anglice vocatas Weathers,) pręcij viginti ſolidorum, de bonis & catallis I. S. de C. prędict' in dicto com C. yeoman tunc ibidẽ exiſtent' inuentas, ſub colore purueiancię pro dicto hoſpitio, illegitime ac felonice cepit & abduxit: Contra pacem dictæ dñæ Reg. ac contra formam diuerſorum ſtatutorum in huiuſmodi caſu prouiſorum & editorum. A

SECTIO 323.

¶ *Rape of a Woman.*

I Vratores prędict' quod cum in ſtatuto in Parliamento dñi E. nuper Regis Angl' primi, Anno regni ſui decimo tertio tento, edit', inter alia prouiſum ſit, quod ſi homo, rapuerit vxor' ancillam, A

ancillam, ſiue aliquam aliam fœminam vbi non conſentierit nec antea neque poſtea, habeat iudicium de vita & membro, prout in eodem ſtatuto plenius continetur. Quidam I.B. nuper de A. &c. Yeoman ſtatutum prædict' &c. tali die & Anno Io.O. filiam H. O. ancillam apud W. in comitatu E: prædicto, contra voluntatem ſuam felonice rapuit, contra pacem dictæ dominæ Reginæ &c. ac contra formam ſtatuti prædicti &c.

SECTIO 324.

¶ *Rape of a Child.*

A I Vratores pro domina Regina præſentant, quod G. D. de B. in comitatu E. prædicto Waterman, tertio die Iulij, Anno regni dictæ dominæ noſtræ Elizabethæ, dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris &c. Triceſimo, apud B. prædictã in dicto comitatu E. (in domo manſionali ibidem cuiuſdam A. S. Poſteler) vi & armis in quandam M. N. de B. prædicta in dicto comitatu E. puellam, infra ætatem decem annorum tunc exiſtentem, inſultum fecit, ac tunc & ibidem, eandem M. N. felonice ac carnaliter cognouit, ac eadem M. N. nequiter abuſus eſt, contra pacem dictæ dominæ Reginæ nunc, ac contra formam ſtatuti in Parliamento dictæ dominæ Reginæ nunc (tento apud Weſtñ in coñ Midd', Anno dicti Regni ſui decimo octauo) in huiuſmodi caſu prouiſi ac editi.

SECTIO 325.

¶ *Rape of a Maid.*

A I Vratores præſentant pro domina Regina, quod B. C. de E. in comitatu E. Tauerner, quinto die Octobris, Anno regni dictæ dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris &c. Triceſimo quarto, apud E. prædictã in dicto comitatu E. in quodam ibidem loco (vocato le Bowze) vi & armis in quandam A. K. de E. prædictã in comitatu E. prædicto, virginem, ætatis ſex decem annorum, tunc & ibidẽ in pace Dei & dictæ

dominæ Reginæ exiſtentem, inſultum fecit, ac tunc & ibidem eandem A. cõtra voluntatem ipſius A. felonice rapuit, & carnaliter cognouit, contra pacem dictæ dominæ Reginæ nunc, ac contra formam cuiuſdam Statuti in parliamento domini Edolim Regis Angliæ primi, tento apud Weſtmonaſterium in comitatu Middleſex, Anno regni ſui tertio decimo, in huiuſmodi caſu prouiſi & editi.

SECTIO 326.

¶ *Rape of a woman within age.*

I Vrat præſent, quod cum in ſtatuto in Parliamento domini A
Enuper Reg. Angliæ primi, Anno Regni ſui tertio tent, ædit, inter cetera ordinat exiſtit, quod nullus rapiat neque capiat ancillam infra ætatem exiſtent, per aſſenſum ſuum, vel ſine aſſenſu ſuo, neque dictam ancillam, nec aliam fœminam, contra voluntatem ſuam, & ſi aliquis hoc fecerit, ad ſectam illius qui hoc ſequitur infra quadraginta dies, dominus Rex ſibi faciet communem iuſticiam, & ſi nullus incipiat ſectam in hac parte infra xl. dies, domin⁹ Rex ſequetur, & illi qui inuent fuerint culpabiles, habeant priſonam duorum annorum, & poſtmodũ redimantur ad voluntatem domini Regis prout in eodem ſtatuto pleuius continetur. Quidam I.B. nuper de A. &c. ſtatutum prædict' minime ponderans &c. I. O. filiam H.O. ancillam, & infra ætatem exiſtentem viz. ætatis xj. Annorum quadraginta diebus elapſis apud W. tertio die S. anno &c. violenter cepit & rapuit, contra formam ſtatut prædict', ac contra pacem &c.

SECTIO. 327.

¶ *For a Reſcuſſe.*

I Vratores pro domina Regina præſent, quod cum H.C.R. A
H. & I.B. af, ac ſocij ſui Iuſtic' dictæ dominæ Reginæ ad pacem in comitatu E. conſeruand', necnon ad diuerſa felon trũs & alia malefact' in eodem comitatu perpetrat, audiend'

&

& terminand' aſsign̄, in generali ſeſſione pacis ten̄ apud T. in comitatu E. prædict', die Martis proxim̄ poſt feſtum Sanctæ Trinitatis, Anno &c. mandauer vic' eiuſdem comitatus E. necnon & eorum cuilibet, quod non omitterent propt̄ aliquā libertatem com̄ E. prædict', quin eam ingrederent̄ ſeu vnus eorum ingrederet̄, & attachiarent ſeu vnus eorum attachiaret corpora O.W. nuper de W. in comitatu E. **Laboꝛer**, & A. I. de W. prædict' in comitatu E. prædict' ſeruant, & eos coram Iuſticiar' prædict', vel vno ſociorum ſuorum Iuſtic' pacis in comitatu E. prædict', venir̄ compellerent, ſeu eorum vnus venire compelleret, ad inueniendum ſufficientem mainucaptionem, quod ipſi perſonaliter comparerent coram dictis Iuſtic' & ſocijs ſuis prædictis, ad prox. ſeſſionem pacis in com̄ E. prædict' tenend'. Et quod interim ſe bene gererent erga dictam dominam Reginam & cunctum populum ſuum, ſecundum formam ſtatuti in huiuſmodi caſ. prædit̄ & prouiſ. Cunquę præfat̄ G.L. & I.R. virtute mandat̄ prædict̄ arreſtaſſent prædict̄ Agn̄ I. & eam coram Iuſtic' prædict̄ vel eorum vno ducer̄ voluiſſent, prout mandatum prędict̄ Iuſtic' prædictorum in ſe exigebat, quidam tamen B.A. de W. prædict̄ in comitatu E. prædict̄ gener̄, & R.W. de W. prædict' in comitatu E. prædict̄ **yeoman**, leges dictæ dominæ Regin̄ minime verent̄, ex malic' ſua præcogitat̄ in contemptum dictæ dominæ Reginæ, legum ſuarum, ac mandati Iuſtic' prædict̄, x. die Maij Anno &c. apud W. prædict̄ in comitatu E. prædict̄ riotoſ. & illicite aſſemblati & congregati, in præfat̄ G.L. & I.R. in pace dei & dictæ dominæ Reg. adtunc & ibidem exiſten̄, inſult̄ & affraiam fecer̄, ac præf. R.W. diuerſ. ſagittas Angic' voc' **arrowes**, verſus præf. G.L. & I.R. adtunc & ibidem ſagittabat, ea intentione, vt præf. Georg. L. & I.R. vulneraret, ac prædict̄ Agnetā in cuſtod' eorund' G. & I. reſcuſſer̄, ac præf. R.W. cū vna ſagitta valor̄ vnius denar̄, quam adtunc & ibid' ipe eiaculabat̄ & mittebat verſus præf. I.R. e quodam arcu Angl' voc' a **Long bowe** valor̄ ij.s. quem in manu ſua leua adtunc & ibidē tenuit, percuſſit, ac crus dextrum eiuſdem I.R. adtunc &

ibidem perforabat & transforabat, dans eidem I.R. adtunc & ibidem in crure suo prædict', vnam plagam in profunditate trium policium, ac idem R. W. cum vna al' sagitta valor' vnius denar' quam adtunc & ibidem iaculabatur & mittebat versus prædictum G.L. è prædicto arcu quem in manu sua sinistra idem R.W. adtunc & ibidem tenuit, præfat' G.L. percussit, dans eidem G. adtunc & ibidem in infima parte sinistri cruris eiusdem G. vnam plagam in longitudine dimidij policis, ac in profunditate vsque ad ossa prædict' cruris eiusdem G. ac preterea prefati B.A. & R.W. prædict' Agnetam I. adtunc & ibidem a custod' dictorum G.H. & I. R. vi & armis rescussit, atque eandem Agnetam I. adtunc & ibidem ad largum ire & euadere fecer', contra pacem &c.

SECTIO 328.

¶ *High treason for Rebellious insurrections.*

INquiratur pro domino Rege, si Richardus M. nuper de S. A in comitatu K. ac alij falsi proditores & inimici, metuendissimi, ac christianissimi Principis E. Regis Anglię quarti post conquestum Angliæ, ignot', die & anno &c. apud Sanct' Elins in insula Vecta in Comit' South. se insimul congregauerunt tunc & ibidem vi & armis, viz. gladijs &c. Insurrexerunt quoque ad comfortand' & supportandum I. nuper comitem W. falsum proditorem & inimicum domin' Regis nunc, apud W. de diuersis altis proditionibus erga ipsum Regem infra Regnum suum Angliæ factis, conuictum & attinctum, idemque R.M. & alij proditores & inimici predict', predict' I. nuper Comitem W. & complices suos, vt falsi proditores, contra ligeantię sue debitum, falso & proditorie, adtunc & ibidem ad premissa faciend' conuenerunt ac confortauerunt, & tunc & ibidem eidem I. nuper Comiti W. & complicibus suis fuerunt adherentes, scientes ipsum I. nuper Comitem W. de proditionibus suis predict' attinctum & conuict', contra ligeantiam suam &c.

Sectio 329.

SECTIO 329.

Of rebellious Insurrections.

A INquiratur pro Domino Rege, ſi W L. nuper de P in com̃ M. Marchant, G. B. nuper de &c. ac quamplur̃ alij falſi proditores, rebelles & inimici ignoti, chriſtianiſſimi Principis E. Regis Angliæ iij. poſt conqueſtum, ex aſſenſu, voluntate & propoſito diuerſorum aliorum falſorum proditorum & inimicorum Domini Regis, videlicet I. nuper comitis W. & I. nuper comitis K. qui nuper auctoritate Parliamenti dicti Regis apud Weſtmonaſterium &c. tenť, de diuerſis proditionibus erga dictum Regem infra regnum Angl' factis conuict' & attincti exiſtunt, 4. die Martij, & die Mercurij, & diebus Sabbati & dominic' proxim' poſt feſtum Pentecoſtes, & diuerſis diebus antea & poſtea, anno regni dicti domini Regis tertio, apud P. in comitatu M. præd', inſimul ſe congregauerunt, & inter ſe communicauerunt, quomodo ipſi præfatum I. nuper comitem W. & complices ſuos cum eis adtunc & ibidem ſuper mare in nauibus ſuis (vt falſi proditores) exiſtentes, per nimiam poteſtatem prædict', I nuper comitis W. ac præfat̃ comitis K. & aliorum falſor̃ proditorum & inimicorum dict' Domini Regis, de eorum couina, & falſo propoſito exiſten̄, vſque regnum Angliæ potuerunt producere: & dictum Regem & dominos ſuos, tam ſpirituales quam temporales per totum poſſe ſuum, de regia poteſtate ſua, & gubernatione regni prædicti, per nimiam poteſtatem penitus depriuar', & gubernationem Regni præd', ſuper ſe accipere & retinere proponen̄, credebantque adtunc & ibidem præd' W. & G. & alij falſi proditores & rebelles prædicti, quod maxima pars totius Regni Angliæ cum eiſdem falſis proditoribus in falſis opinionibus ſuis ſtare voluiſſet, & ad illud falſum & nephand' propoſitum ſuum finaliter perimplend', prædict' W. & G. & alij falſi proditores & rebelles prædicti, dictis die & anno apud P. prædict', in dict' comit' M. vi & armis, ſcilicet, gladijs, gleuijs, arcubus, ſagittis, loricis, duplodibus defenſiuis, & alijs.

& alijs armaturis &c. insurrexerunt, & prædictum S. nuper comitem, in cibis, potibus, & alijs necessarijs erga dominum Regem falso & proditorie confortauerunt, auxiliauerunt, & supportauerunt, & eisdem nuper Comitibus, vt falsi proditores contra ligeantiæ suæ debitum adtunc & ibidem fuerunt adherentes, & cum eisdem Comitibus naues suas prædict', (vt falsi proditores) ad proditoria sua proposita præd' perimplend' & perficiend', conscenderunt & in eis permanserunt: scientes ipsos nuper Comites in forma prædicta sic attinct' & convict', in finalem destructionem dicti domini Regis, ac contra ligeantiam suam &c.

SECTIO. 330.

¶ For regrating of Corne.

INquiratur pro' &c. si W.T. de N. in pd' com̃ E. & A.B. &c. A
1. die &c. & quamplurib⁹ al' dieb⁹ antea & postea, fuer regrat̃ mercati de D. in pd' com̃ E. ac diuersa genet̃ grañ ad mercat̃ pd'p diuers. ligeos dict' dñæ Reg. il' adue', viz. x. quart̃ frumñ ad valenc' 6. li. apud D. pd', in pd' com̃ E. regratauer, ad intẽtionñ, qd idẽ frumñ iterũ venderent, ad graue damnũ populi dictæ dominæ Reginæ cõtra formam diuersorum statutorum in huiusmodi casu edit̃ & prouisorum.

SECTIO 331.

¶ For regrating of Fish and Butter.

IVratores pro domina Regina præsentant, quod A.B. de C. A
in dicto comitatu S. Mercer, 20. die Iulij Anno regni dictæ dominæ nostræ Elizabethæ, dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defensoris &c. Tricesimo quarto, apud C. prædictam in comitatu E. prædicto, in quodam mercatu tunc ibidem tento, pro 40. solid' monetæ, emit, regratauit, obtinuit, & nactus est in possessionem & manus suas, decem paria piscium (Anglice dicta, x. couples of Linges, & tria vasa butyri salsi (Anglice vocata 3. firkins of butter,) de quodam E.F. qui pd' x. paria piscium, ac dicta tria vasa butyri ad

ri ad eundem mercatum, vt ea ad tunc ibidem venderet, adduxisset: & quod immediate postea, scil' dicto 20. die An. supradicto, idem A.B. in dicto eodem pleno mercatu tunc ibidem apud C. pd', in dicto comit' E. tento, eadem omnia dicta paria piscium, ac butyri vasa, cuidam H.R. p sexaginta s. legalis monetæ dictæ dñæ Reginæ huius regni sui Angliæ, illicite vendidit, in magnum reipubl damnum, ac contr' form diuersor statutorum huius regni Angl' in huiusmodi casu p̃uisorum & editorum.

SECTIO 332.

¶ *For a Rescusse of one in the stockes for felonie.*

A IVratores pro Domina Regina præsentant, quod vicesimo die Iunij, Anno regni dictæ Dominæ nostræ Elizabethæ Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defensoris &c. Tricesimo quarto, quidam A. B. nuper de C. in comitatu E. Glouer, apud C. prædictam in comitatu E. pred', captus est & arrestatus per E.F. de C. prædicta in comitatu E. prædicto Yeoman, pro suspicione cuiusdam feloniæ, videlicet, vnius vaccæ, ipsius E.F. per præfatum A.B. felonice, (vt idem E.F. tunc asserebat) captæ & abductæ, & quod idem A.B. immediate postea traditus est per præfatum E.F. cuidam H.M. tunc Constabulario hundredi de N. in comitatu E. prædict', in quo sita est villa de C. prædicta: qui quidem Constabularius in comitatu E. prædict', postea, viz. dicto vicesimo die Iunij, Anno Tricesimo quarto supradicto, eundem A.B. in prisona in cippis ibidem posuit, ad eum saluo ibidem custodiendum, donec idem Constabularius parare posset auxilium ad ducendum eundem A.B. coram aliquo Iusticiariorum pacis dictæ Dominæ Reginæ in comitatu E predicto, examinandum: Ac quod postea, (scilicet dicto vicesimo die &c. Anno supradicto,) quidam G.L. de C. prædicta, in comitatu E. prædicto Glouer, apud C. prædictam in dicto comitat E. vi & armis cippos prædictos effregit: ac eundem A.B. tunc ibidē existent ex eisdem custodia,

prisona

priſona, & cippis felonice cepit, eripuit & reſcuſſit, ac ad largum ire & euadere permiſit, contra pacem dictæ dominæ Reginæ, coronam, & dignitatem ſuas.

SECTIO 333.

¶ For giuing of a Liuerie.

IVratores pro domina Regina præſentant, quod T.B de C. A in comitatu E. armiger, ſecundo die Septembris, Anno regni dictæ dominæ noſtræ Elizabethæ Dei gratia Angliæ, Franciæ, & Hyberniæ Regin r, fidei defenſoris, &c. Triceſimo quarto apud C. prædict' in comitatu E. prædicto, quaſdam liberatas veſturæ, viz. cuidam A.B. de C. prædicta in co. E. ſpd' **peomã**, tres vlnas pãni lanei, color veneti, preci 20. s. & C. D. de E. in dict' com **peomã**, alias tres vlnas ſimilis pãni lanei, eorundem coloris & pretij, ad duas ſeparales tunicas, p præfatis A. B. & C. D. inde faciendas, dedit ac diſtribuit: vbi reuera præfati A. B. & C. D. aut eorum alter, nunquam fuerant, aut fuit domeſtici ſeruientes, aut domeſticus ſeruiens, officiarij, ſiue officiarius, Balliui ſiue Balliuus, dicti T. B. aut de conſilio ipſius T. B. in vna lege ſiue altera eruditi vel eruditus: In magnum dictæ dominæ Reginæ contemptum, ac contra formam diuerſorum Statutorum in huiuſmodi caſu antehac prouiſorum & editorum.

SECTIO 334.

For receiuing and vſing of a Liuerie. A

IVratores pro Domina Regina præſentant, quod A. B. de C. in comitatu E. **peoman**, vnam liberatam panni, videlicet tres vlnas panni lanei, coloris veneti (vocati Anglice **Watchet**) ad valentiam 20. ſolid' ad tunicam inde ſibi faciendam de T. B de C. prædicta in comit' E. prædicto armigero, apud C. prædictam in dicto comit' E. ſecundo die Auguſti &c. recepit: & eadem tunica a dicto die ſecundo, anno ſupradicto, vſque tertium diem menſis Septembris, Anno ſupradicto, apud C. prædictam in comit' E. prædict', & alibi in diuerſis locis

locis infra comitatum prædictum vſus eſt: vbi idem A. B dicto tempore receptionis liberatæ prædict', aut vnquam poſtea non fuit familiaris officiarius, aut de conſilio dicti T. B. in vna lege aut altera eruditus: In magnum dictæ dominæ Reginæ contemptum, ac contra formam diuerſorum Statutorum in huiuſmodi caſu antehac prouiſorum, & editorum.

SECTIO. 335.

¶ *Againſt Retainers.*

A IVratores dicunt, quod cum in ſtatuto domini Regis Henr' 4. nuper Regis Angliæ, Anno regni ſui 7. &c. ac in ſtatut' in Parliamento domini Henrici ſexti bonæ memoriæ, Anno regni ſui Octauo, apud W. tent' & edit', inter cætera continetur, quod non liceat alicui, cuiuſcunque ſtatus, gradus, ſeu conditionis fuerit, dare aliquam liberatam veſtur' vel capic' alicui perſonæ, niſi tantummodo familiaribus officiarijs, balliuis, & ſeruientibus ſuis, ac alijs hominibus de conſilio ſuo in vna lege ſeu altera eruditis, ſub pœna centum ſolidorum de terris & tenementis, bonis, & catallis huiuſmodi liberat' dant', & quadraginta ſolidorum de terris & tenementis, bonis & catallis huiuſmodi liberat' recipient' ſiue vtent', toties quoties aliqua liberat' in contrarium ſtatuti prædicti dat' ſeu excepta fuerit, leuand': quidam tamen R. B. de C. in com' H. armiger' ſtatut' præd' minime ponderans, quaſdam liberatas veſtur', videlicet diuerſas togas coloris **ſroſt medow**, quibuſdam I. de B. **Yeoman** &c. S. C. de eodem **yeeman** qui nec ſunt nec vnquam fuerunt ſeruient', offic', ſeu familiar' ipſius R. B. nec in lege vna ſeu altera aliqual' erudit' aut inſtruct', die &c. Anno &c. apud &c. dedit & diſtribuit. Et prædict' I. & S. eaſdem togas de præf. R. eiſdem die, anno, & loco, contra formam ſtatutorum prædictorum receperunt, & eiſdem togis continue a præd' die &c. vſque &c. apud F. F. & S. vſi fuerunt, in contemptum dominæ Reginæ, legiſque ſuæ dedecus manifeſtum, ac contra formam ſtatutorum prædictorum &c.

SECTIO 336.

¶ *For a Riot at the Seſſions.*

IVratores pro Domina Regina præſentant, quod viceſimo A
nono die Decembris, Anno Regni dictæ dominæ noſtræ Elizabethæ Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris &c. Triceſimo quinto, apud M. in com̃ G. tempore generalis Seſſionis pacis in prædicto comit̃ tunc ibidem ten̄, & H. C. milite & ſocijs ſuis Iuſticiarijs dictæ Dominæ Reginæ ad pacem in dicto comitatu G. conſeruandam aſſignat̄, tunc ibidem exiſtentibus, & in plena curia ſedentibus, quidam A. B C. D. E. F G. H. & I. K. de S. in com̃ G. prædict' Generoſi, Aggregatis ſibi nonnullis alijs pacis dictæ dominæ Reginæ perturbatoribus ignotis, ad numerum 30. hominum, vi & armis, viz. gladijs & pugionibus, armatis illicite, routoſe, & riotoſe, ſeſe aſſemblauerunt, ac inter ſe inſultum & affraiam maximam tunc ibidem fecerunt, ſeſe inuicem verberantes, & vulnerantes, in magnũ terrorem tam dictorum Iuſticiariorum tunc ibidem in curia ſedentium, quam totius populi dictæ Dominæ Reginæ ad dictam ſeſſionem pacis tunc & ibidem conuenientis, ac contra pacem, coronam, & dignitatem dictæ Dominæ Reginæ noſtræ, &c.

SECTIO 337.

¶ *A Riot at the Seſſions.*

IVratores pro domina Regina præſentant, quod I. B. de A
R. in comitatu E. prædicto Yeoman, I. G. de eiſdem Yeoman, W. B. de P. in comitat̃ E. prædicto Yeoman, & T. K. de eiſdem Yeoman, vndecima die Ianuarij, Anno regni Reginæ Elizabethæ &c. tertio apud W. in comitatu E. prædict', tempore generalis Seſſionis pacis adtunc & ibidem ten̄, & Iuſtic' dictæ dominæ Reginæ, ad pacem in Comitatu prædict' conſeruand' aſſigñ, ibidem exiſtent̄, vi & armis videlicet &c. illicite & riotoſe ſeſe aſſemblauer̄, & per inſtigationem & procurationem prædictorum I. B. & W. B

W.B. insultum & magnam affraiam adtunc & ibidem inuicem fecer̄, & commiser̄, in magnum timorem, tremorem, & perturbationem tam præd' Iustic' dictæ Dominæ Reginæ, adtunc & ibidem, existen̄, quam totius populi & ligeorum subdit̄ dictæ dn̄æ Reginæ de com̄ S.p̄d', adtunc & ibidem confluenc', contr̄ formam & ordinationem per Iustic' præd', adtunc & ibidem de pace geren̄ fa[illegible], & in manifestum contemptum dictæ dominæ Reginæ, ac in Iustic' ibid' exequend' & administrand retardationem manifestam, ac contra pacem dictæ dominæ Reginæ &c.

SECTIO 338.

¶ *Riot vpon a Keeper.*

A INquiratur pro domina Regina si E.P. &c. H.P. &c. & R. B. &c. aggregat̄ &c. riotos. & routos. & modo nouæ insurrectionis, in conuenticulis illicitis, & modo guerrino arraiat̄, vi & armis viz. &c. 30. die apud H. in comitat̄ E. prædict', in clausum & parcum E.P. viduæ, ibidem sese illicit̄, riotose & routose assemblauer̄, congregauer̄, & vniuer̄, ad pacem dictæ dominæ Reginæ disturband', & adtunc & ibidem in quēdam A.D. gen̄, custodem parci prædict', & in I.B. famulum ipsius A. in pace dei & dictæ dominæ Reginæ existent̄ insultum fecerunt, & prædictus G P. vnam sagittam e quodam arcu tent̄ quem idem G.P. in manibus suis adtunc & ibidem habuit & tenuit, sagittauit. Et eundem I.B. cum sagitta prædict', in pectore suo percussit, dans eidem I.B. vnam plagam profunditat̄ dimid' policis, & latitud' vnius policis, Ita quod de vita sua desperabatur, & alia enormia eis intuler̄ ad graue damnum ipsorum A & I. contra pacem dictæ Dominæ Reginæ, & contra formam statuti in huiusmodi casu editi & prouisi.

SECTIO 339.

¶ *Riot in pulling downe of Hedges.*

A INquiratur pro domina Regin̄, si I.R. nuper de B. in comitat̄ prædict',

prædict' yeoman, R.A. nuper de G. in comitat' prædict' husbandman, & I.B. nuper de D. in comitat' prędict' Grome, cum multis alijs malefactor' eis aggregat', & pacis dictæ Dominæ Reginæ perturbator' ignot', modo guerrino arraiat', vnit', assemblat', & congregat', ad numerum quindecim personarum, per instigationem & procurationem prædict' I.R. in magnum terrorem subditorum dictæ Dominæ Reginæ 4. die Maij, anno regni dominæ nostræ Eliz. &c. secundo, vi & armis, videlicet, gladijs, falcastris, bipenn', baculis & alijs armis inuasiuis, clausum R.B. armig. apud F. infra parochiam de B. in comitatu prædicto vocat' the M. riotose fregerunt & intrauerunt, ac sepes & claus. prædict' R.B. ad numerum sexcent' pedum, adtunc & ibidem existent', lacerauerunt, irruper', & prostrauerunt, & fossat' ibidem existent', ad tunc & ibidem cum ligonibus & bipallijs foder', planauerunt, & impleuerunt, ad graue damnum ipsius R. B. contra formam diuersorum statutorum de Riotis & routis, & alijs conuenticulis illicitis inde nuper edit' & prouis. & contra pacem dictæ dominæ Reginæ &c.

SECTIO 340.

¶ *Riot about the execution of a Repleg'.*

INquiratur pro domina Regina, quod cum N.W. Miles, vicec' comitatus E. per warr' suum de deliberatione sigillo suo sigillat', cuius dat' est 5. die Aprił' anno Regni Hen. 8. vicesimo septimo, mandauit cuidam A. B. balliuo suo comit' E. prædict', quod deliberaret, seu deliberari faceret cuidam T. H. aueria sua quæ W.S. nuper de S. in comitat' præd' E. gener', & P.B. nuper de eisdem vill' & comit' Clothier, cepissent & iniuste detinebant contra vad' & pleg' vt præf. Tho. dicebat. Et quod poneret ipsos W. &. P. per vadios & saluos pleg. ita quod essent ad proximum comitat' ipsius vicecomit' apud L. in comit' præd', tenend', ad respondendum præf. T. H. de placit' prædicto, virtute cuius warrant', prædict' A. die & anno supradictis, apud S. prædict' requisiuit præfat W.S. q' dimit-

quod dimitteret ſibi aueria prædicta, ad deliberandum eidem præf. T. H. ſecundum vim, formꝫ, & effectū warranti pd', ſi pd' W. ac quidam H. C. nuper de S. in comit' prædicto husbandman, cum multis alijs ignotis ad numerum octo perſonarum, dicto quinto die Aprilis, anno ſupradicto apud S. prædict', warrantꝫ prædict' minime ponderantes, vi & armis, viz. gladijs & baculis, in præf. A. inſultum fecerunt, verberauerunt, vulnerauerunt, & maletractauerunt, ac ipſum A. adtunc & ibidem impriſonauerunt, & detinuerunt, per ſpaciū quatuor dierum & quatuor noctium extūc proximū ſequentꝫ, & adtunc & ibidem debitam executionem warranti prædict' contradixerunt, impediuerunt, & diſturbauerunt, ad graue damnum ipſius C. ac contra pacem dicti domini Regis, coronam &c.

SECTIO 341.

¶ *For a Riot in cutting and carrying away of Corne.*

A IVratores &c. quod A. B. & E. D. &c. aggregatis eis quampluribus alijs malefactoribus, & pacis domꝫ Reginæ perturbatoribus ignotis, ad numerum quatuor perſonarum modo guerrino arraiat', die Febr', anno &c. vi & armis, viz. gladijs, baculis, & alijs armꝫ tam inuaſiuis, quam defenſiuis apud F. in comꝫ Eborum iniuſte, riotoſe, & routoſe, aſſemblauerunt, clauſumque T. L. apud C. adtunc & ibidem iniuſte fregerunt & intrauerunt, & decem acras tritici, adtunc & ibidem creſcentꝫ valoris &c. de bonis & catallis T. I. prædict', adtunc & ibidem inuentꝫ iniuſte riotoſe, & routoſe, meſſuerunt, falcauerunt, & aſportauerunt, contra pacem dict' dñæ Reg. &c.

SECTIO. 342.

¶ *For Robberie in the high-way.*

A INquiratur pro domina Regina, ſi A. B. de C. in comitatu E. Mariner, ſexto die menſis Octobris, Anno regni dictæ dñæ noſtræ Fliz. dei gratia Ang', Franc', & Hyberniæ Reginę, fidei defenſoꝫ &c. Triceſimo quinto, vi & armis, viz. cū gladio, &

dio, & pugione (ad valentiam 10. ſolid.) diſtrictis, inter horas ſeptimam & octauam ante meridiem eiuſdem diei, in alta via Regia iuxta quendam locum (vocatum Gads hill) infra parochiam de F. in comitatu E. prædict', in, & ſuper quendam I.S. de B. in comitatu E. præd', Petite-chapman, tunc & ibidem in pace Dei, ac dictæ dom. Reginæ exiſtentem inſultū fecit, & ipſum I.S. tunc ibidem cum dicto gladio percuſſit & vulnerauit, & 20. s. legal' monet' Angl' numeratæ in crumena ipſius I.S. exiſtentes, de bonis & catallis prædicti I.S. adtunc & ibidem inuentos, a perſona ipſius I.S. tunc & ibidem violenter & felonice cepit & aſportauit, in magnum p̄d' I.S. terrorem, ac contra pacem dictæ Dominæ Reginæ, coronam, & dignitatem ſuas.

SECTIO 343.

¶ *For Robberie in the high-way.*

INquirat' pro dom̄ Regina, ſi H. B. nuper de B. infra parochiam de W. in com̄ E. Sadler, xvij. die Nouembr', anno &c. circa horam ſextam poſt meridiem eiuſdem diei apud O. in com̄ E. p̄d', in communi via Regia, in quodam loco ibid', voc' C in quoſdam T.L. W.W. adtunc & ibidem in pace Dei, & dictæ Dominæ Reginæ exiſtent', inſultum fecit, cum quodam gladio precij vj. ſolid. quem ipſe in manu ſua dextra adtunc & ibid' habuit, ipſos T.L. W.W. grauiter verberauit, vulner', & male tractauit: Ita q̄ de vitis ſuis deſperabatur, ea intentione ad interficiend', vel ſaltē ad ſpoliand' p̄d' T.L. & W.W. de bonis & pecunijs ſuis, & alia enormia eis adtunc & ibidem intulit, ad graue damnū præd' T.L. & W.W. contra pacem dictæ Dominæ Reg' &c. vt ſupra. A

SECTIO. 354.

¶ *Robberie in the high-way.*

INquiratur pro Domina Regina, ſi I. G. nuper de A. in comitatu E. Cooke, 13. die Aprilis, anno &c. vi & armis &c. circa horam quartam poſt meridiem eiuſdem diei, apud S. in A

comitat̄

comitat̃ E. prædict' in via Regia ibidem in quẽdam I. W. adtunc & ibidem in pace Dei, & dictæ dominæ Regiñ existent̃, insultum fecit, & ipsum Iohañ W. adtunc & ibid' in magno timore corporal' imposuit, & vnam clamidem voc' a Cloake, coloris Blew, valor̃ iij.s.iiij.d. & tres solid', & quatuor denar̃ in pecunijs numeratis, de bonis & catallis dicti I. W. a persona eiusdem Iohannis adtunc & ibidem inuent̃ felonice cepit & asportauit, contra pacem dictæ Dominæ Reginæ coronam & dignitatem suas, vt supra.

SECTIO 345.

¶ *For Purse-cutting.*

A INquiratur pro Domina Regina, si N. H. nuper de S. in comitatu Middlesexiæ Piller, 16. die Aprilis, Anno &c. vi & armis, videlicet &c. in quendam E. R. apud C. in comitatu M. prædict', insultum fecit, & vnam bursam valor̃ ij. d', & ix. s. pecunijs in numeratis, & vnã coron̄ Gallicã, vocat̃ a French Crowne valor̃ vj.s. in bursa pręd', adtunc & ibidem existen̄, de bonis & pecunijs prædict', Ed. a persona ipsius Ed. clam & sine noticia ipsius E. adtunc & ibidem felon̄ cepit & asportauit, contra pacem dictæ dominæ Regiñ &c. ac contra formam statut̃ &c.

SECTIO. 346.

¶ *For Robbing by the high-way.*

A IVr̃ &c. q̃ A. B. nup de &c. 2. die I. &c. vi & armñ, viz. &c. in noua foresť in quodã loco ibid' voc' I. poch. de F. in comit̃ p̃d', in quendã homiñ ignot̃ in regia via ibid. insultũ & affraiã fecit, & eũ in timor̃ corpor' adtũc & ibid', posuit 30. s. in pecunijs numer̃ in quad' cruñ ibid' existen̄, & 2. annul' aureos valor̃ &c. sup digit̃ eiusd' hoñ ignot̃, existť de bonis & catal' eiusd' hominis ignot̃ a pson̄ sua adtũc & ibid' felon̄ cepit & asportauit contr̃ pacẽ &c.

SECTIO 347.

¶ *Against a Rogue, a Vagabond, and his Relieuer.*

A IVrať pro Dom̃a Regina prædsentant, quod A. B. nuper de C. in Comitatu E. Scauelman, ætatis 14. annorum &

amplius, ac corpore ſano, valente, potente, atque ad laborandum habili exiſtens, nullam autem habens terram, nec vllũ magiſtrum, nec aliqua vtens licita merchandiza, arte, vel myſterio vnde ſibi victum parare poſſet, ac prorſus neſciens rationem reddere quo pacto victum ſuum legitime acquirit, decimo die Auguſti, Anno regni Dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris, &c. Triceſimo quinto apud E. infra Hundredum de W. in comitatu E. predicto, & multis alijs in locis dicti comitat' E. hâc illâc paſſim vagatus eſt mendicans, ac per W. P. de E. prædicta, in dicto comitatu E. Yeoman, Conſtabularium dicti hundredi de W. (in quo ſita eſt villa de E. prædicta) poſtea, viz. vndecimo die dicti menſis Aug. Anno ſupradicto, apud E. præd', in com̃ E. prædicto inuentus eſt vagans, & mendicans, ac per eundem conſtabularium tunc ibidem deprehenſus eſt inordinate ſe gerens, tanquam vagabundus, & mendicus valens, contra pacem dictæ Dominæ Reginæ, ac contra formam diuerſorum Statutorum in diuerſis Parliamentis dictæ Dominæ Reginæ nunc inde prouiſorum & editorum: & vlterius quod G. H. de E. prædicta, in dicto com̃ E. Yeoman ſciens præfatum A. B. modo & forma prædictis vagantem & mendicant', eundem tamen A. B. dicto decimo die Anno ſupradicto in domo ipſius G. H. manſionali apud E. prædictam, in comitat' E. prædicto hoſpitauit, & eidem A. B. tunc & ibid', panem & potum voluntarie dedit, in contemptum dictæ dñæ Reginæ, ac contra form̃ ſtatutor̃ prædictorum. A

SECTIO 348.

¶ *For Safeconduit breaking.*

IVrat' præſentant, quod cum illuſtriſſimus Princeps Henricus Rex Angliæ ſextus poſt conqueſtum, per literas ſuas patentes ſub ſaluo conductu ſuo, conceſſit licentiam, & ſaluum conduct' ſuum dedit A. B. & D. & alijs alienigenis Mercatoribus de Genua, pro eis, & quadam Naui vocat' (a Carike) A

Carike) & pro bonis, rebus, & merchandisis suis, infra eandem Nauem existen̄, de transitu portus South. in Anglia per mare, versus partes Genuæ transferend', & eadem absq; aliquibus roberijs, fractione, impeditione, perturbatione, aut captione ipsorum alienigen̄, bonorum, & mercand', siue meriemoniorum suorum prædictorum, per aliquos ligeos dicti domini Regis infra regnum dicti Regis Angliæ, gaudend', sine impeditione ibidem: quidam H. de D. in comitatu E. armiger, & alij fractores salui conductus Domini Regis, de ligeis ipsius Domini Regis infra regnum Angliæ existen̄ ignot̄, vi & armis, videlicet gladijs, arcubus, sagittis, duplodibus defensiuis, & alijs armis defensibilibus, armati saluum conductum præd' minime verentes & spernentes, in prædictos A. B. & alios alienigenas adtunc & ibidem insultum fecerunt, & ipsos verberauerunt, vulnerauerunt, ac maletractauerunt, & ipsos in naui prædict', tanquam eorum prisonar̄ adtunc & ibidem ceperunt & custodier̄, & eos in prisona sub custod' sua, diu, videlicet, per 4 dies, quousque ijdem A. B. & D. & alienigenæ in eadem naui existen̄, finem & redēptionem pro saluo conductu & deliberatione suis habend', pro sexcent̄ marcis cum præfat̄ H. & alijs prædict' fecissent, detinuerunt: contra saluum conductum domini Regis præd', & contra formam statuti in hm̄odi casu ꝓuis. & edit̄, ac contra dignitat̄ Regiam, ac in malum exemplum aliorum &c.

SECTIO 349.

¶ *Sacriledge, or Burglarie in a Church.*

A IVratores præsentant pro domina Regina, quod A. B. de C. in comitatu E. prædicto Sailer, primo die Septembr̄, An. regni dictæ dn̄æ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defensoris &c. Tricesimo quarto, vi & armis ecclesiam parochialem de C. prædicta in dicto comitat̄ E. felonice, & burglariter fregit & intrauit noctanter, viz. inter horas decimam, & vndecimam post meridiem eiusdem diei, ac vnum calicem argenteum (Anglice

vocat' **a communiõ Cup**) ad valentiam 60. ſolidorum, de bonis & catallis parochianorum de C. prædicta, ad tunc exiſtẽtem in eadem eccleſia, & tunc ibidem inuentum felonice cepit, & aſportauit, contra pacem dictæ Dominæ Reginæ noſtræ nunc, coronam & dignitatem ſuam.

SECTIO 350.

¶ *Sacriledge or Robberie in a Church.*

INquiratur &c. ſi I.M. nuper de D. in comitatu M. & R. A
H. nuper de eadem D. prædict', in comitatu M. prædict', **yeomen**, laici horũ (vt ſupra) 13. die &c. vi & armis, videlicet gladijs, baculis, & cultellis eccleſiam parochialem omnium ſanctorum de E. apud E. in comitatu M. prædict' circa horam 12. in nocte eiuſdem diei felonice fregerũt & intrauerunt, & duos calices de argento & auro, duo veſtimenta de nigro veluet vocat' **Copes**, tres pannos lineos vocat' &c ad valenc' &c. de bonis ornamentis, & denarijs paroch' de E. p̃d', in corñ. M. p̃d', in cuſtodia I.B. & T. P. cuſtod', & gardian' eccle' p̃d', ad tunc & ibid' inuent', felonice furati fuerunt, ceperunt, & aſportauerunt cont' pacẽ dict' dñi regis, ac cõtra form̃ ſtat' eiuſd' dñi regis an. reg' ſui 33. edit' & ꝓuiſ. &c.

SECTIO 351.

¶ *Of ſlaunder againſt the Queene.*

IVrat' pro dom̃. Regina præſentant, quod A.B. nuper de C. A
in comitat' E. Clericus, viceſimo quinto die Iulij, anno reg. dict'. dominæ noſtræ Elizabethæ, dei gratia Angliæ, Franciæ, & Hiberniæ, Reginæ, fidei defenſoris &c. Triceſimo quarto apud G. in comitat' E. p̃d', conſulte, & deliberate, cum malitioſa intentione, & felonice quoddam ſcriptum Anglice edidit & publicauit, continens (inter alia) hanc falſam, ſeditioſam, & ſcandaloſam materiam, ad defamationem Maieſtatis dictæ Dominæ Reginæ noſtræ nunc, videlicet (**reciting the ſeditious wordes thereof**) contra pacem dictæ dominæ Reginæ noſtræ, & regalem maieſtatem ſuam, (cui

ne in

ne in cogitatione quidem detrahere licet) ac contra formam cuiuſd' ſtatut in parliamento dictæ Dom̃ Reginæ noſt' nunc, tent apud Weſt. in comitatu Midleſexiæ, an. regni ſui viceſimo tertio, in huiuſm̃ caſu prouiſi ac editi.

SECTIO 352.

¶ *of a Schoolemaiſter not licenced.*

IVratores pro domina Regina præſentant, quod K. M. de I. in comitatu E. Scholæ-magiſter, ſecundo die Septemb', anno regni dictæ Dominæ noſtræ Elizabethæ, Dei gratia, &c. Triceſ. quarto, vſq; nunc, in domo manſionali cuiuſdam E. A. de I. p̃d', in com̃ præd', Viduæ, auſus eſt, & præſumpſit erudire, & docere pueros dictæ E. A ibid', cũ ibid K. M. durante tempor̃ non acceſſit, nec reſortauit ad eccl' parochial' de I. præd', in com̃ E. præd', nec ad vllam aliam capellã, aut vſualẽ locum communẽ precationum, ſed ſe penitus per totum tẽpus prædict', abinde abſentauit, nullam habens legitimam aut rationalem dictæ ſuæ abſentiæ excuſationem, & cum Idem K. M. non eſt per Epiſcopum diocæſis loci illius, in quo ſita eſt prædicta eccleſia parochialis de I. prædicta, aut per eius loci ordinarium, licentiatus, aut allocatus ad erudiendum & docendum: In magnum dictæ Dominæ noſtræ Reginæ contemptum, ac contra formam ſtatuti, in Parliamento dictæ Dominæ Reginæ, (tento apud Weſtmonaſterium, in comitatu Middleſexiæ, Anno regni ſui viceſimo tertio) in huiuſmodi caſu prouiſi & editi. Et quod prædicta E. A. voluntarie in domo ſua prædicta, A per totum tempus prædictum cuſtodiuit & manutenuit præfatum K. M. modo & forma prædicta erudientem & docentem, ſciens ipſum K. modo & forma prædictis, ſe abſentaſſe. In contemptum dictæ Dominæ Reginæ ac contra formam Statuti prædicti.

SECTIO 353.

¶ *For ſlaunder againſt the Queene.*

IVratores pro Domina Regina præſentant, quod infra tres menſes iam vltimo elapſos, videlicet ſecundo die menſis Octobris, Anno regni Dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hybernię, Regi. fidei defenſoris &c. Triceſ. quint, G.P. de A, in comitatu G. **Laboꝛer**, in domo manſionali cuiuſdam R.S. infra parochiam de A. prædicta in comitatu G. prædicto, ac in præſentia multorum dict' Dom. Regi. ſubditorum fide dignorum tunc ibidem exiſtẽtium, conſulto, deliberate, ac cum malitioſa intentione aduerſus dictam dominam noſtram nunc, ex imaginatione ipſius G.P. propria, hæc falſa, ſeditioſa, ſcandeloſa dicta, ad ſcandalum & defamationem dictæ Domiñ Regi. noſtr, tunc & ibidem loquutus eſt, vt in his Anglicis verbis ſequitur, videlicet (**Reciting the woꝛdes themſelues.**) In magnum dict' Domiñ Regiñ noſtr nunc contemptum, ac contra pacem, Coronam, & dignitatem ſuas, nec non contra formam ſtatut in Parliamento dict' Dominæ noſtr nuper tento apud Weſt. in coñ Midleſexiæ, Anno regni ſui viceſimo tertio, A

SECTIO. 354.

¶ *For ſlaundering of Noble-men.*

INquiratur pro Domina Regina ſi R.B. nuper de C. in comitatu D. **yeoman**, deum præ oculis ſuis non habens, ſed inſtigatione diabolic' ſeduct', ac ligeantiam ſuam erga dictam Dominam nunc Elizab' dei gratia &c. parui pendens, ac leges & ſtatut huius regni Angliæ minime eſtimans, nec pænã in eiſdem content, aliqualiter verens, xvj. die Maij, An. regni Dominæ Eliz. &c. apud M. in comitatu D. prædicto, malitioſe ex imaginatione ſua propria, hęc falſa & ſcandaloſa verba ac rumores de magnatibus & proceribus huius regni Angliæ ſubſequentia, prolocut eſt, videlicet, **that** &c. Quæ quidem A

quidem omnia, quanquam falsa sint, vt vera retulit, & multa alia verba scandalosa adtunc & ibidem dixit & propagauit, contra pacem dict' dñę Reginæ nunc, coronam & dignitatem suas, & contra formam diuersorum statutorum inde nuper edit & prouis.

SECTIO. 355.

¶ *For Shooting in a Gunne.*

AInquiratur pro domina Regina, quod cum in statuto in parliamento domini E. nuper regis Angliæ sexti apud Westmonastef, Anno regni sui secund', inter alia ordinat & inactitat existit, quod nulla persona subter gradum domini Parliamenti extunc deinceps, sagittaret in aliquo tormento, infra ciuitatem vel villam, ad aliquam volucrem siue aliam metam super Ecclesiam, domum, aut columbar, neque quod aliqua persona sagittaret in aliquo loco, aliquam sagittationem voc' **Hayleshote**, aut plur glandines plumbeas, quam vnam vno tempore, sub pęna forisfact decem libr pro quolibet tempore in quo ipse contra statut prædict delinqueret, & imprisonamentum corporis sui per spacium trium mens. prout in statuto prædict plenius continetur. Quidam tamen I. C. nuper de B. in comitatu E. **yeoman**, statutum prædict minime ponderans, nec pœnam in eodem content aliqualiter verens, quinto die Iunij &c. in quodam tormento Anglice vocat a **Handgunne**, onerat puluere & glandinibus plumbeis, Anglice **charged with powder and hayleshot**, in quandam anatem, adtunc in quadam palude in communi campo voc' **Netherfield** de B. pd' in com E. præd' existent, sagittauit & exonerauit, Anglice **discharged**, contra formam statuti prædicti, ac contra pacem dictæ dominæ Reginæ nunc, coronam & dignitatem suam.

SECTIO. 356.

¶ *For keeping a blind Tauerne, and receiuing suspicious persons, and the wife a Scold.*

Nota

AInquiratur &c. si I.S. nuper de C. in comitatu N. **Laborer** est homo malę conuersationis & gubernationis, ac cōmunis barrator

barrator & pacis dominę Reginæ perturbator. Et quod idem I.S. apud C. prædict̃ in comitatu N. prædict̃ custod', tenet, & occupat quandam domum, siue tabernam, non habent̃ vsuale signum apte opposit̃, vulgarit̃ dict' a blind Tauerne, & quod primo die I. Ann̄ &c. Necnon diuersis diebus & noctibus antea & postea, in eandem domũ diuersos homines malæ conuersationis, & suspectæ, venient̃ omnibus horis, tam noctis, quam diei, recepit & hospit̃ est, per quod vicini sui ac alij ligei populi dicti dominę Reg. ibidem multipliciter vexant̃, inquietant̃, & grauantur, & ministri dominę Reg. propter pacis conseruationem, officia sua ibidem exercere & exequi prohibentur, & sępenumero in periculo amissionis vitæ, & læsionis corporum suorum quotidie existũt, Et quod I. vxor̃ prædict' I.S. est communis obiurgatrix tam cum vicinis, quam cũ alijs ligeis populi dicti dominę Reg. per quod multipliciter molestant̃ inquietant̃ & grauant̃, contra pacem dictę dominę Reginæ &c.

SECTIO 357.

¶ *Stealing of Horses.*

I Vratores pro domina Regina præsentant, quod A. B. nuper de C. in comitatu E. Gelder, vicesimo nono die Augusti, Anno regni dictæ dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defensoris, &c. Tricesimo quarto, vi & armis, quoddam stabulum in domo mansionali cuiusdam I.S. infra parochiam de C. prædicta in comitatu E. prædicto existens, fregit, ac intrauit, & vnum equum spadonem (Anglice vocatum a Gelding) coloris albi, prætij vj. librarum, & vnam equam coloris nigri, pretij 30. solidorum, de bonis & catallis ipsius I. S. tunc & ibidem existentes inuentos felonice cepit & abduxit, contra pacem dictæ Dominæ Reginæ, coronam & dignitatem suas. Et quod K.H. nuper de C. prædicta in comitatu E. prædicto Horsecorser, sciens præfatum A. B. feloniam prædictam apud C. prædictam in comitatu E. prædict' modo & forma prædictis, fecisse

feciſſe & perpetraſſe, eundem tamen A.B. apud C. prędictam in comitatu E. prædict'. Triceſimo die dicti menſis Auguſti, Anno ſupradicto felonice recepit, & hoſpitio excepit, poſt feloniam prædictam ſic per ipſum A. B, vt præfertur, factam & commiſſam: contra pacem dictæ Dominæ noſtre Reginæ nunc, & contra coronam, ac regiam dignitatem ſuas.

SECTIO 358.

¶ *Againſt a ſeruant ſtealing his Maſters goods.*

A I Vratores præſentant pro domina Regina, quod cum A.B. de C. in comitatu E. Herter, viceſimo die Septembris, Anno regni Dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris, &c. Triceſimo quarto, in domo manſionali ipſius A. B. apud C. prædictam in comitatu E. prędicto, deliberaſſet cuidam E.F. de C. prædicta in dicto comitatu E. Herter, tunc ſeruienti ipſius A.B. pro vno Anno integro retento, ac ætatis nouem decem annorum exiſtenti, decem libras in pecunijs numeratis de bonis ipſius A.B. ea intentione, vt idem E.F. eaſdem ſaluo cuſtodiret, ad vſum prędicti A.B. tunc magiſtri ſui: Idem E. F. dicto viceſimo die Septembris, Anno ſupradicto (apprenticius dicti A.B. tunc non exiſtens) apud C. prędict' in comitatu E. prędicto, a dicto magiſtro ſuo. vna cum prędict' decem libris dicti A.B. tūc magiſtri ſui, malitioſe & felonice diſceſſit, abijt, & aufugit, ea intentione, ad furandum dictas decem libras, cōtra fiduciam in eo per prefatum A. B. tunc magiſtrum ſuum repoſitam & collocatam, & ad inde dictum A. B. magiſtrum ſuum prędictum defraudandum: contra pacem dictę dominę Reginę, ac contra formam diuerſorum Statutorū huius regni Anglię in huiuſmodi caſu, prouiſorum & editorum.

SECTIO 359.

¶ *For ſtealing of a Cowe.*

A I Vratores pro Domina Regina pręſentant, quod A. B. de C, in comitatu E. Shoomaker, primo die Iu. Anno regni dictæ

dictæ dominæ noſtræ Rlizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris, &c. Triceſimo quarto, in quodam loco infra parochiam de C. prædicta in comitatu E. prædicto (vocato **the Towe pasture**) vi & armis &c. clauſum cuiuſdam I.S. de D. in comitatu E. prædict' **yeoman**, fregit & intrauit, & quandam vaccam (coloris nigri, prętij xl. ſolidorum) de bonis & catallis prædicti I.S. tunc ibidem exiſtentem inuentam, felonice cepit, furatus eſt, & abduxit, contra pacem dictæ dominæ Reginæ nunc, coronam & dignitatem ſuas. Et quod quidam G.H. de C. prædicta in dicto comitatu E. **Butcher**, ante feloniam prædictam, ſcilicet eodem primo die Iunij Anno triceſimo quarto ſupradicto, eundem A.B. apud C. prædictam in comitatu E. prędicto, ad feloniam prædictam faciendam & perpetrandam, malitioſe & felonice excitauit, perſuaſit, & procurauit, contra pacem dictę dominæ Reginæ, coronam, & dignitatem ſuam.

SECTIO 360.

¶ *Theftly a Seruant from his Maſter.*

I Vratores præſent &c. quod cum per quendam actum in Parliamento domini H. nuper Regis Angliæ 8. apud weſtmonaſter in comitatu Midd', anno regni ſui xxj. tent, edit, per dictum dominum Regem, cum aſſenſu dominorum ſpiritualium & temporalium, ac communitatis in eodem Parliamento congregat, necnon auctoritate eiuſdem, inter alia adtunc ibidem inactitat exiſtit, Quod ſi aliquis ſeruus cui eius Magiſter vel Magiſtra, liberaret aliqua bona valor xl.'s. cuſtodiend', diſceſſerit cum bonis illis, cum intentione ad furandum vel retrahendum eadem, foret felonia, prout per eundem actum plene liquet, Qui quidem actus poſtea per quendam alium actum in parliament dominæ Mariæ nuper Reg. Angl' apud Weſtm prędict', anno regni ſui primo, tent, edit, fuit repellat & annihilat, ac poſtea per quędam alium actum in parliamento dominæ Reg. nunc apud Weſtm prædictum, anno Regni ſui 5. tent, edit, reuiuat, & adhuc in vigore exiſtit. Ac A

etiam

etiam cum C.P.armig.ſecundo die S. anno Regni dictæ dominæ Reginæ nunc xv. apud G.in comitatu M. prædicto,liberaſſet I. G. nuper de E. in comitatu M. prædict̃ husband-man,adtunc ſeruient̃ ſuum & non appreñ ſuũ exiſteñ, & vltra ætat̃ xviij. annorum, quoddam brachiale auri, Anglic' a Bꝛaſelet of Gold, valoris xviij.li.& c.de bonis & catallis prædict' C.pro eodem C.ſaluo cuſtodiend'. Prædict' tamen I.G. ſtatut̃ prædict' minime ponderans,nec penam in eodem contentam verens, apud G. prædict̃ in dict' comitatu M. eodem 2.die S.anno xv.ſupradicto,a præf.C.adtunc Magiſtro ſuo ſeipſum retraxit,& cum brachiali prædict̃ felonice diſceſſit, ea intentione ad furandum brachiale prædict',ad defraudandum prædict' C.Magiſtrum ſuum, de brachiali prædict', contra fiduciam & confidentiam in eodem I. per prædict̃ C. Magiſtrum ſuum reposit̃, ac contra formam ſtatuti prædict' inter ceteros Articulos quorum &c.

SECTIO 361.

¶ *For conuerting Tillage into Paſture.*

AIVratores præſentant pro domina Regina, quod H.W. de A in comitatu E.generoſus, primo die Nouem. Anno regni dictæ dominæ noſtræ Elizabethæ, Dei gratia &c. Tricesimo quarto,ſeiſitus exiſtens in dominico ſuo vt de feodo, de, & in 12.acris terræ arabilis in A. prædict' in comitatu E. prædicto iacentibus, (ac de, aut in aliqua libera warrenna non exiſtentibus, ſed per ſpacium 4.annorum dictum primum diem Nouemb. Anno ſupradicto proxime præcedentium, in cultura & ſeminatione granorum vſitatis & applicatis) dicto primo die Nouemb.Anno ſupradicto,ac diuerſis alijs diebus & vicibus,antea,& poſt, prædict̃ xij. acras terræ arrabilis, a cultura prædict' & ſatione granorum, vſque in hunc diem præſentem,in paſturam pro cuniculis cuſtodiendis conuertebat, & adhuc conuertit & cuſtodit: Ad graue nocumentum I.R.R.T.& W. M.de A.prædict' in dict' comitatu E. (vicinorum ibidem exiſtentium) ac contra formam diuerſorum ſtatu-

statutorum in huiusmodi casu prouisorum & editorum.

SECTIO. 362.

¶ *For conuerting arrable land to Tillage.*

INquiratur pro domina Regina, si I K. nuper de T. in comitatu E. gener̄, primo die Octob. Anno &c. seisit̄ in dominico suo vt de feodo, de & in octo mesuag' agriculturæ in T. prædict̄ in dict' comitatu E. in quibus septem seperales agricolæ (Anglice vocat̄ Husbandmen) adtunc inhabitabant, ac de & in trecent̄ acris terr̄ arabil' in T. prædict̄ in dict' comitatu E. in cultura & seminatione granorum vsitat̄ & applicat̄ adtunc existent̄, de quibus triginta acrę ad minus cum quolibet dictorum mesuagiorū adtunc seperatim occupat̄ & vsitat̄ fuerunt. Et quod prædict' I. K. lęges & statuta huius regni Anglię parui pendens, dicto primo die Octob. Anno &c. supradicto, ac diuersis diebus, & vicibus, antea & postea, pro proprio lucro & singulari commod' suo, tres agricolas dictorum septem, de tribus de prædict' septem mesuagijs adtunc expulit & amouit, & eadem tria mesuagia absque aliquo inhabitant̄, siue aliquibus inhabitantibus in eisdem, irreparat̄ stare, & in decas. & ruinam cadere, adtunc & deinceps vsque diem captionis huius inquisitionis voluntarie causauit & permisit. Insuper quod prædict̄ I. K. die & anno supradictis, ac diuersis diebus & vicibus antea & postea, cent̄ acr̄ prædictarum trecentarum acrarum terr̄ arabil', iacent̄ & existent̄ in T. prædict̄ in comitatu E. prædict', cum fossat̄ & sepibus viuis inclusit, & illas abinde a cultura agriculturæ & seminatione granorum vsque diem captionis huius inquisitionis in pastur̄ conuertebat & custodiebat, & adhuc conuertit & custodit, in malum & pernitiosum exemplum aliorum, ac contra formam diuersorum statutorum in huiusmodi cas. edit̄ & prouis. &c.

Sectio 363.

SECTIO. 363.

¶ *Treason for extolling the authoritie of the Pope against her Maiesties supremacie.*

A I Vratores præsentant pro domina Regina, quod I. S. de C. in comitatu E. Clericus, xx. die mensis Aprilis, anno regni serenissimæ dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defensoris &c. tricesimo quarto, apud D. in comitatu E. prędicto, scienter, considerate, malitiosè, & directe palam in presentia multorum dictæ dominæ Reginæ nostræ nunc subditorum, affirmauit, & defendit authoritatem Papæ Romani ecclesiasticam in hoc regno Anglię preantea vsurpatam, hijs expressis verbis anglicanis sequentibus, viz. **I sweare by the blessed Masse, and will auow that our holy father the Pope of Rome, is the supreme head of the Church of England**, in magnam derogationem Regiæ authoritatis, & prerogatiue dictę diię Reg. nostræ, ac contra coronã & dignitatem suam, necnon contra formam diuers. statutor in huiusmodi casu editorum & prouisorum. Et quod A. B. de D. pręd' in com E pręd' **Wayrechandler**, sciens ipsum I. S. dicta verba loquutum esse, ac dictam dicti Papæ authoritatẽ modo & forma vt prefertur, defendisse, ipsum I. S. apud D. pręd', in dicto com E. postea scilicet, xxij. die dicti mensis A. anno supradicto, consolatus est & confortauit, ex industria & ex pręposito, & ad eam intentionem, vt idem A. B. promoueret & efferret pręf. dicti Papæ authoritatem vsurpatam, in pernitiosissimum aliorum exemplum, ac contra coronam, & dignitatem dictæ dominæ Reginæ nostrę nunc, ac etiam contra formam diuersorum statutorum in eiusmodi casu prouisorum & editorum.

SECTIO 364.

¶ *Treason for absoluing from obedience.*

A I Nquiratur pro domina Regina, si A. B. de C. in dicto comit E. clericus, sexto die mensis Maij, anno regni dominę nostræ

noſtræ Elizabethæ dei gratia Angliæ, Franciæ & Hyberniæ Reginæ fidei defenſoris &c. Triceſimo quarto, apud C. prædictam in Comitatu E. prædicto voluntarie & proditorie, conatus eſt, & practicauit abſoluere, perſuadere, & ſeducere quandam I.W. de C. prædicta in comitatu E. prædicto viduam, a naturali obedientia & ſubiectione ſua, quam eadem I. erga dictam dominam noſtram reginam gerere debet, ad obediendum prętenſæ authoritati Sedis Romanę, tunc & ibidem proditorie præ ſe ferens & aſſerens ſe habere poteſtatem & facultatem id faciendi, & tunc & ibidem proditorie dicens eidem Ioannæ his anglicis verbis ſequentibus, **mother Ioane you wil haue a blacke ſoule (I tell you) if you do not the ſoner forſake the Quæne** (innuendo prædictam dominam noſtram reginam nunc) **and her hereſies, and yeld your ſelfe to the obedience of our mother Church the holy See of Rome**: contra pacem dictæ dominæ noſtræ Reginæ, coronam & regalem dignitatem ſuam, & contra formam ſtatuti in Parliamento dictæ dominæ noſtræ Reginæ tento apud Weſtm̃ in com̃ Midd', anno dicti regni ſui viceſſimo tertio, in huiuſmodi caſu prouiſi & editi.

SECTIO. 365.

¶ *For Treaſon of Ieſuitiſme.*

A INquiratur pro domina Regina. Si E.C. nuper de S. in comitatu E. prædicto clericus, natus apud S. prædictam in comitatu E. p̃d' atque infra annum iam prox. præteritum factus & profeſſus Ieſuita per authoritatem a ſede Romana deriuatam, proditorie apud S. prędict' in comitatu E. prædicto, ſexto die Iulij, anno regni dictæ dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ & Hyberniæ Reginæ, fidei defenſoris &c. Triceſimo quarto, a partibus tranſmarinis applicuit, & dicto ſexto die anno ſuprædicto, & nonnullis alijs diebus tunc proxime ſequentibus apud S. prædictam in comitatu E. prędicto, proditorie moram fecit ac remanſit: contr̃ formam cuiuſdam ſtatuti in parliamento dictæ dominæ Reginæ noſtræ nunc tento apud Weſtmonaſterium in comitatu Middle-

Middlesexiæ, anno regni sui vicesimo septimo, in huiusmodi casu prouisi & editi, ac contra pacem dictæ dñæ Reginæ, coronam, & dignitatem suas. Et si W.B. de S præd' in dicto comitatu E mercator, scienter, voluntarie, & felonice, postea scilicet, dicto sexto die dicti mensis Iulij anno supradicto, prædictum E.C. apud S. prædictam in com̃ E. prædicto receptauit & comfortauit, dicto W. B. adtunc & ibidem ad largum, & extra prisonam existente, ac præf. E.C. huiusmodi Iesuitam esse, tunc & ibidem sciente & cognoscente: Contra formam statuti prædicti, ac contra pacem, coronam & dignitatẽ dictæ dñæ Reg. nostræ.

SECTIO. 366.

¶ *For a Trespasse in Corne, Grasse, and Plowing.*

A INquirat̃ pro domina Regina, Si A. B. de C. in com̃ E. Yeo. xx. die mensis A. Anno regni dñæ nr̃æ Eliz. dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defensoris, &c. Tricesimo quarto, quoddam clausum cuiusdam I.S. apud C prædictam in com̃ E. præd' (vulgariter voc' Cow lease) vi & arm̃ fregit ac intrauit, ac herbas, & blada triticea ipsius I.S. tunc ibidem crescentia (ad valentiam xx.s. cum quibusdam bobus, & bidentibus ipsius A. B. tunc ibidem depastus est ac consũpsit, necnon solum & fundum ipsius I.S. tũc ibidem, cum quodam aratro subuertit, per quod prædict̃ I. S. omne cõmodum & proficuum dicti soli sui per longum tempus postea amisit, Ac alia damna & enormia prædict̃ I. S. tunc ibidem intulit, ad graue damnum ipsius I. S. ac contra pacem dictæ dominæ nostræ Reginæ nunc, coronam & dignitatem suas.

SECTIO 367.

¶ *For eating Corne with sheepe.*

A INquirat̃ &c. si I.M. de M. in com̃ E. Shepperd, xx. die M. Anno regni &c. apud V. in com̃ E. prædict' vi & armis, viz. baculis & cultellis clausum I.S. fregit, & blada ipsius I. S. viz. hordea & auenas in xxx. acris terræ ibidem crescen̄ cum

grege ouium in custodia sua existen depastus fuit, conculcauit & consumptsit, & alia enormia ei intulit ad graue damnū ipsius I.S. ac contra pacem dicti &c.

SECTIO 368.

¶ *For Trespasse in Fishpondes.*

I Vrat̄ præsent̄ pro domina Regina q̄ W. S. de B. in com̄ L. A yeoman, I.W. de ead' villa, in com̄ L. & d'no. & I.W. de T in com̄ L. pred' yeoman, 8. die Marcij, Anno &c. circa horam quartam post meridiem eiusdem diei, in S.K. & B. in com̄ L. præd' vi & armis &c. in quādam piscar̄ voc' Fishgarthes tūc in tenura & occupatione R.F. C.L. & I.L. firmar̄ ibidem dict̄ dñæ Reg. intrauer̄ & fregerūt, & tres Salmones ad valenc' xx.s. de bonis & catall' prædict̄ R. F. C.L. & I.L. in piscar̄ prædict̄ ceperunt & abinde asportauer̄, contra voluntatem predict̄ R. F. &c. ad graue damnum ipsorum R. F. &c. ac contra pacem dictæ dñæ Reginæ nunc.

SECTIO 369.

¶ *For Vsurie in loane of Money.*

I Vratores pro Domina Regina presentant, quod vbi A. B. A de C. in com̄ E. Mercer, primo die O. Anno regni dominę nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hybernię Reginæ, fidei defensoris, &c. Tricesimo quarto apud C. prædictam in dicto com̄ E. mutuo dedisset, & accōmodasset cuidam D.E. de C. præd' in dicto com̄ E. Shomaker, summam xx. libr̄ in pecunijs numeratis de pecunijs dicti A. B. ea intentione, vt idem D.E. viginti libras eidem A. B. redderet & resolueret primo die Aprilis tūc proxime futurę Idem A. B adtunc & ibidem iniuste cepit & habuit præ manibus, de prenominato D.E. viginti sex solidos in lucro, vsura, & proficuo, pro differendo & dando diem solutionis, sic vt præfertur, earundem xx. libr̄ a dicto primo die Oct. anno supradict' vsq; dictum 1. diem A. tunc proxime sequentem, qui quidem viginti sex solidi (modo & forma prædictis, pre manibus capti & habiti) multo excedunt & superant ratam & proportionē decem librarum pro centum libris pro vno anno integro accommo-

commodand' ad damnum non mediocre ipsi⁹ D.E. ac in contemptum dictę dñę Reginæ nunc, necnon contra formam diuersorum statutor̄ in hum̄di casu prouisorum & editorū.

SECTIO 370.

¶ *Vserie.*

A IVrator̄ pro domina Regina pręsentant, quod cum per quēdam actum in Parliamento dñę Reg. nunc apud Westmoñ in com̄ Midd ij. die A. Anno regni sui terciodecimo, tent̄ edit̄ int̄ alia inactitat̄ fuit, quod quidam actus in parliamēto dñi H. nuper Reg. Ang' 8. apud West. pręd' anno Regni sui xxxvij. tent̄ edit̄ pro reformatione vsurę ab & post xxv. diem Iunij prox. sequeñ præd' secundo die A. Anno regni dictæ dñæ Reginę nunc xiij. supradicto reuiuat̄ foret & staret in suo pleno robore vigore & effectu, in quo quidem actu in parliam̄to dicti nup Regis H. 8. Anno regni sui 37. supradicto tent̄, & edit̄, inactitat̄ fuit auctoritate eiusd' parliamenti, quod nulla p̄sona siue p̄sonæ cuiuscunque status, gradus, siue conditionis, ipse vel ipsi foret siue forent, ad aliquod tempus post vltimū diem Ianuarij in actu illo mencionat̄, per viam siue medium aliquarum corruptarum barganiæ, accōmodationis, excambij, cheuisancię cautele siue interesse, aliquarū merchandizarum, mercium, aut alicuius alius rei siue aliquarum aliarum rerum quarumcunque, aut per aliquam aliam corrupt̄ siue deceptiuam viam vel medium aut per aliquam couinam, ingeniū, siue deceptiuam viam, vel conueiantiam, haberent, reciperent, acciperent, siue caperent, in lucro vel proficuo, pro differendo seu dando diem solutionis vnius anni integri, de & pro eius vel eorum denarijs, vel alia re quę foret debita pro eisdē mercibus merchandisis siue alia re vel rebus, vltr̄ summ̄ decem librarum pro centum libris, & sic secundum ratam illam, & non vltra, de & pro maiore siue minore summa, seu pro longiore siue breuiore tempore, & non plus siue maius lucrum vel sūmam inde habend', sub pena forisfaciendi & amittendi pro qualibet offens. triplum valorem mercium, merchandizarum, & alius rei vel rerum sic barganizat̄, vendit̄, excambiat̄, siue

accommodat, ac etiam haberet & sufferret imprisonamentum corporis sui, & faceret finem & redemptiõ ad voluntatem dicti dñi Regis, de qua quidẽ forisfactura triplici valoris prædicti, vna medietas esset dicto dño Regi, & altera medietas illi vel illis qui pro eadẽ prosequerent in aliqua curiarũ dicti nup regis de recordo, in qua secta nulla vadiatio legis, essoniũ, siue protectio allocaretur, prout in eodẽ statut de anñ 37. dicti nuper Reg. H. 8. supradicto plenius continetur: Cumq; etiã quidam R.B. de &c. post præd' secundum diem A. anno xiij. dictæ dñæ Reg. nunc supradicto, scilicet vicesimo secundo die D. anno regni eiusdem dñæ Reginæ xxj. apud L. in com̃ E. præd', accommodasset cuidam C.F. quatuor libras, idem R.B. statutum præd' minime ponderans, nec pœnam in eodem content̃ verens, ad tunc & ibidem recepit & habuit de præf. C.F. in lucro & proficuo pro differendo & dando diem solutionis earundem quatuor librarũ ab eodẽ xxij. die D. anno vicesimo primo supradicto, vsque sextũ diem A. tunc proximo sequeñ octo solidos, qui quidem octo solidi in lucro & proficuo pro differendo & dando diem solutionis dictarum quatuor librarum, a præd' xxij. die D. anno vicesimo primo supradicto, vsque præd' vj. diem A. extunc prox. sequeñ, excedunt ratam decem librar̃ pro centum libris pro vno anñ integro contra formam & effectum statuti prædicti, & ad graue dannum ipsius C.F. &c.

SECTIO. 371.

¶ *For not amending high Waies.*

IVratores pro Domina Regina præsentant, quod vbi die A Martis in septimana Paschæ iam vltimo præteritæ, scilicet septimo die mensis A. Anno regni dictæ dñæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defensoris &c. Tricesimo quarto A.B. tunc Constabularius villę de C. in dicto com̃ E. &c. & D.E. & F.G. tum guardiani ecclesiæ parochialis de C. prędicta in comitatu F. prædicto existentes, vocatis ad se multis alijs parochianis dictæ parochiæ de C. tunc & ibidem elegerunt quosdam I. S. & R. N.

duas

duas honest' eiusdē paroch' personas, in supuisores, p 1. anno integro tūc prox. sequeñ, pro emendatione & reparat' altarū regiarum viar' infra dict' paroch' de C. ducentiū a villis mercatorijs, ad vill' mercatorias: Ac etiam tunc ibid' nominauerūt & appunctuauerunt sex dies, viz. 1. 2. 3. 4. 5. & 6. dies mensis Maij tunc prox. sequent', pro dicta emendatione dictarū viar', & nominat' pro emendatione illius vię Regiæ ibid', quæ est inter &c. atque de eisdem sex diebus sic per eos, vt præfertur, nominat' & appunctuatis dederunt palā postea, (scilicet die dominic' dict. Pasch. tūc prox. sequenti) publicam notitiā in dicta eccles. parochiali. Quidātamē T. W. tū & adhuc parochianus de C. prædicta in comitatu E. prædicto existens, ac tū habēs & occup' in dicta paroch' de G. in com̄ E. p̄d', 1. integrā carucatā terræ arabilis (Anglic' dict' **a plough-land**) nullum dictis 1. 2. & 4. dieb⁹ dicti mensis Maij anno supradict', prorsus inuenit, aut misit currū instructū (Anglice dictū **a Waine, or Cart furnished**) equis, bobus, aut alijs animal', & necessarijs, secund' morē patrię ibid': nec vllos habiles homiñ, erga emendationē & reparatioñ dictarū viar', aut earū aliquī, siue aliquam inde parcellā, sed inde tunc ibid' voluntarie fecit, defaltam: in dict' dñæ Reginæ contemptū, ac contr' form̄ diuersorū statutor' in hm̄odi casu, p̄uis. & editorum.

SECTIO. 372.

¶ *For watch in a Towne.*

A IVrat', p Dña Regiñ præsentant, quod a 10. die Iuñ, anno reg' dict' Dñæ nostr' Eliz. Dei gratia Anglic', &c. Trices. quint' vsque vltimū diem mensis Aug', anno suprad', homines & inhabitātes villæ de C. in com̄ E. nullas vigilias a solis occasu vsq; ad solis ortum, in dicta villa de C. in com̄ E. p̄d', per aliquot homines, fecerunt, aut custodierunt, prout de iure & antiqua consuetudine huius regni Angl' facere debēt & solebant: In dictæ dñæ Reginæ nunc contempt', ac contra form̄ cuiusdam Statut', in Parliamento Dñi Ed. olim Regis Angl' primi, apud Wynton, anno reg. sui 13. tēto, in huiusm̄ casu prouis. & editi.

Sectio 373.

SECTIO 373.

¶ *For watch at the Sea coast.*

IVrat̃ pro Domina Reg' præsentant, q̃ vbi homines & inhabitantes hundredi de F. in comit̃ M. præd', antiquitus (viz. ante annum regni Dom̃ Henr̃ nuper Regis Angliæ quarti quintum) quasdã maritimas & minutas vigilias (Anglice voc' **Seawatch**,) tempore belli per costeram maris in quodam loco (vocato **Sandgate**) in dicto comitatu M. per quatuor homines singulis noctibus (a tempore in cuius contrarium memoria hominum tunc non existebat) custodire debebãt & solebant: dicti tamen hundredi de F. homines & inhabitantes nunc, tempore nuper belli, viz. a vicesimo quarto die Iulij, Anno regni dictæ Dominæ nostr̃ Eliz. Dei gratia Angliæ, Franciæ, &c. Tricesimo, vsq; tricesimum quartum diem dicti mensis Iulij, anno supradicto, prædictas vigilias apud **Sandgate** prædictam, modo & forma prædictis, facere, & custodire voluntarie prætermiserunt & neglexerunt, ac in eisdem vigilijs tũc ibid' (sic vt præfertur faciendis ac custod') voluntariam fecerũt defaltam: In dictæ Dñæ Reg' contemptũ, ac huius regni sui Angliæ discrimen nõ modicũ, necnon contra form̃ statut̃ in parliamento dicti Dñi H. nuper Regis Angl. 4. tent̃, anno reg. sui 5. præd', in huiusmodi casu prouisi ac editi. A

SECTIO 374.

¶ *For killing a man by Witchcraft.*

IVrator̃ præsentant pro Dña Regina, quod S. B de C. in com̃ H. vidua, 10. die Aug', anno regni dictæ Dñæ nostr̃ Eliz. dei gratia, Angliæ, &c. Tricesimo quarto, ac diuersis alijs diebus post dict' 10. diẽ, quasdã artes detestãdas, Anglice voc' **witchcraft & sorcery**, nequiter & felonice practicauit & exercuit apud C. p̃d', in com̃ H. præd, in, sup, & cont̃ quendã I. N. de C. p̃d', in dict' com̃ H. **Laborer**, per quas quidem artes, dict' I. N. a præd' 10. Aug', Anno 34. suprad', vsq; diem prædictum Mensis Aug. Anno 34. suprad', periculosissime ac mortaliter agrotabat & languebat, Ac eodem 24. die Aug. Anno supradicto A

prædicto idem I.N. per Artes p̄d', in dicto comitatu H. obijt. Et sic Iuratores prædict', præsentant, quod eadem Sara ipsum Johannem N. apud C. præd', modo & forma supradictis, ex malitia sua præcogitata, voluntarie, diabolice, nequiter, & felonice per artes præd', occidit ac interfecit, contra pacē dictæ dn̄æ Reginæ nostræ, ac contra formam statut̄ in Parliamento dictæ Dom̄ Reg' nostræ (tento apud Westm̄, in comitat̄ Midlesexiæ, anno regni sui prædicti 5.) in huiusmodi casu prouisi ac editi.

SECTIO 375.

¶ *For Witchcraft vpon man.*

A INquiratur pro Domina Regina, si Margaret̄ L. de A. in comitatu Eborū **Spinster**, 23. die Iun̄, anno regni Dominę nostræ Eliz. xv. ac diuersis alijs dieb⁹ & vicibus, tam antea quam postea, Deum præ oculis suis non habens, sed instigatione diabolic' seduct', & quasdam malas diabolic' artes, Anglice vocat̄ **Witchcrafts, Inchauntments, Charmes, and Sorceries**, nequit̄ diabolic' & felonice apud H præd', in com̄ E. præd', ex malitia sua præcogitata vsa fuit, practizauit, & exercuit, in & super quendam W. N. prætextu cuius præd' W. a p̄d' 13. die Iun̄ anno suprad' vsq; 24. diē Dec. Anno reg' dictæ Dn̄æ Reginæ Eliz. &c. 35' p̄d' languebat, quo quidem 24. die Decemb' supradict', præd' W. ratione practicationis & exercic' diabolic' artium præd', apud H. præd' in com̄ E. præd', obijt. Et sic p̄d', M. ipsū W. apud H. p̄d', in com̄ E. p̄d', modo & forma supradict', & ex malit̄ sua præcogitat̄ felonice interf. contra pacē dictæ Dn̄æ Reginæ, & contra formā statuti &c.

SECTIO 376.

¶ *For bewitching a Horse.*

A INquiratur pro Domina Regina, si Sara B. de C. in Comitatu Eborū, Vidua, vicesimo die Augusti, Anno regni dictæ dn̄æ nostr̄ Eliz. Dei gratia Angl', &c. Tricesimo quarto quasdam Artes nequissimas (Anglice vocatas **Inchauntments and Charmes**) apud C. prædict', in comitatu E. prædicto, malitiose, & diabolice, in, super, & contra quendā equū, coloris

coloris albi, precij 4. libr̃ de bonis & catallis cuiusdam I.S. de C. prædicta in dicto com̃ E. generosi existentem, exercuit, & practicauit. Per quod idẽ equus dicti I.S. 20. die præd', apud C. præd', omnino peioratus est, & vastatus: contra pacem dict' dñæ Regiñ, & contr̃ form̃ stat̃ in eiusm̃ casu ꝓuisi, ac editi.

SECTIO 377.

¶ *For taking away of a Widow.*

IVrat̃ præsentant ꝓ dña Regiñ, ꝙ A. B. de C. in dicto comit̃ A E. Singingman, 2. die Aprilis, anno reg' dict' dñæ nostræ Eliz. Dei gratia Angliæ, Franciæ, & Hyberñ Regi. fidei defensoris &c. Tricesimo quinto, vi & armis in domum mansional' cuiusdã H.B. de C. præd', in com̃ E. præd', viduæ, infra parochiam de C, præd', in comit̃ E. prædict', intrauit, (quæ quidem H.B. tum sesita fuit in dominico suo vt de feodo, de & in diuersis terris & tenementis in C. p̃d', in com̃ E. p̃d', clari annui valoris decem librarum vltra omnes reprisas existentibus) ac immediate postea, viz. dicto secundo die Aprilis, anno supradicto, idem A. B. prædictam H. B. tunc ibidem in dicta domo sua in pace Dei, ac dict dom̃ Reginæ existentem, ex dicta domo sua mansionali contra voluntatem ipsius H. B. illegitime ac felonice extraxit, eripuit, & abduxit, ac eandẽ H.B. postea (scilicet tertio die dicti mensis Aprilis, anno supradicto) in ecclesia pariochali de C. prædicta in comitatu E. prædicto, cepit in vxorem suam; vbi idem A.B. dicto tempore extractionis & abductionis prędict', non clamauit, nec clamare potuit, eandem H. B. tanquam Wardam suam, aut tanquam natiuam suam: in magnam pacis dictæ Dominæ Reginæ nunc perturbationem, ac contra formam cuiusdam Statuti in Parliamento Domini Henrici nuper Regis Angl' septimi, tento, Anno regni sui tertio, in huiusmodi casu prouisi ac editi.

SYMB.

SYMBOLEOGRAPHY

PARS SECVNDA

SECTIO. 20.

¶ *The Chancerie.*

A SEing by Gods fauor, wee intende somewhat to discourse of the maner of proceeding in Chauncerie suites, and to set downe some presidentes thereof, to the performing whereof, it semeth requisite first to vnfolde the nature of equity, conscience, and the rigor of the common Lawes of this Realme, as the proper obiect or matter whereabout such suites are for the most part occupied, to thend it may with the more facilitie be vnderstood, how and when such suites are fitly to be taken in hand. Therefore we wil first speake of Summum Ius (which oftentimes precisely regardeth the very letter and words of the common lawes, for remedie whereof, parties grieued, pray aide of this honorable court of Chancery, to bridle extremities, and reduce such rigor to equitie and conscience.

SECTIO. 21.

¶ *Of strict or precise Law, which is called Ius Summum.*

A ARistotle calleth it Exact or precise Lawe, because that, if it haue no allay in it to qualifie the harshenes and seuerity of it, it is vnpleasant and sower in tast, and repugnant to equitie.

B And Budæus sayeth, that this worde, (stricte and precise Law) is a word, which amongst the Ciuilians, signifieth very hard Law, Exact, and full of rigor, and almost vniust. For they that wright of the Law, make these words, strict Law, and equitie, opposite, the one to the other. Thus farre Budæus: ỹ Lawiers do also terme it, Ius subtile, subtil law.

Other Lawyers do terme it, Summum Ius, Law in the highest degrée, or most exact, and it is so taken of them, when men stande more vpon the letter of the Law, then vpon the meaning of the wrighter, or maker of the Law. In which behalfe, it so falleth out oft times, that vnder a colour of knowledge of the Lawes, many grosse and dangerous errors be committed. Corasius Miscel. li. 2. cap. 8. Nu. 12.

Oldendorpius diuideth this Ius summum, or Law in the highest degrée, into two branches, the one proper, the other improper.

Law in the highest degrée, so properly termed or taken, is an vndoubted and infallible rule of honestie, which may generally without exception be put in execution in any common wealth, whether it be originally grounded vpon the Law of Nature, or vpon the Law of Nations. For examples whereof you may take all the rules and principles of the Law, for these rules and principles of the Law, do in their kind, most strictly and exactly define and bound out the matter which they handle, barely, and nakedly, without any regard of circumstances of the fact that may fall out, of which sort of rules are these. Kéepe thy word, hurt no man: these are general rules of Law in the highest degrée, so righteous and full of Iustice in their kind, that by the Lawe of Nature it selfe, better and more rightfull cannot be giuen, Li. 1. F. de pactis.

But here you see no respect had to any circumstance, of your word or hurting, for this point belongeth to equitie, or the Court of Conscience, which with vs is called the Chancerie, as the case may fall out. And the Law in the highest degrée, being thus properly taken, is wrongfully termed by ỹ cõmon sort of men, wrong in ỹ highest degrée, for to speak generally & at a word, it is the iustest reasõ that may be, whether Natural, or National, so farre is it, from being, to be rightfully taken, wrong vntil it be stretched & as it were set vpon tenture hookes, to be drawen to some incon-

inconuenient circumſtance of the fact, as when a man doth couenant or giue his word to do ſome diſhoneſt fact, or hurtful and dangerous to the common wealth. In which caſe, if a man ſhould wreſt this rule of Law, Keepe thy word, in ſtede of doing right in the higheſt degree, he ſhould commit iniuſtice in the higheſt degree. Not becauſe the Law hath any fault in it ſelfe, but becauſe through his error, and cauilling with the Law, he worketh wickednes, not iudging aright the circumſtances of the fact, wherein Law and right ſtandeth L. Si. F. de pactis.

Law in the higheſt degree improperly taken, is ſo termed when by an ouer rigorous and hard interpretation, it is drawen to inconuenient kinds of facts, or by colourable arguments, is drawen to fruſtrate the good meaning of the Law, L. Inciuile cum L. ſeq. F. de Legibus. Many examples hereof we haue in the Law: As, it is a Law, that no man ſhalbe forced againſt his will to commence or maintaine any ſuit or action: Now put the caſe, that I. S. is wrongfully impleaded by I. N. who hath framed a cunning action, full of glorious ſhew againſt him the ſaid I. S. But I. N. findinding in concluſion that he is not able to proue, and make good his action, becommeth nonſuit, I. S. praieth remedie of the Iudges againſt this wrongfull veration of I. N. and he the ſaid I. N. in defence of his wrongfull veration, vrgeth this rule of law, that no man is compellable to maintain an action: Shal he be heard in this caſe? No ſaith Iuſtinian, this falſe gloſe of I. N. is not to be ſuffered or borne withal. This tearme or word of Law in the higheſt degree, being thus taken, we may well ſay, that law in the higheſt degree is wrong in the higheſt degree. For the more ſubtilly that a man doth argue, and the more authorities he heapeth togither, to inforce ſuch a law, ſo much the more and greater wrong, and iniuſtice ſhal he doe.

SECTIO 22.

¶ *Of Equitie.*

AEquitie is that which is commonly called equall & good, &

ſometimes equal & iuſt, and ſometime equall, iuſt, li. 1. & Pen. F. de Iuſtitia & iure. l. ſi & ius F. ſi certum petatur. Ariſt. termeth it Epieices, & other terme it Epieician, which is as much to ſay, a mitigation, or moderation of the Lawe written, in ſome circumſtance, either of the things themſelues, or of the perſons, of the times. Law (ſaith Donatus,) is that, ỹ maketh al things ſtraight, & not pliable to thone, nor thother: equity is that, that diſpẽſeth with many points of the Law. Oldendorpius ſaith, that equitie is nothing elſe, but a ſound or vpright wil or iudgement of an honeſt man, nothing craftie or ſubtil, ſo meaſuring out to euerie man ỹ, that is his, that in the meane while no man is wronged, as appeareth moſt elegantly in l. bona fides. l. Incurrit F. depoſ.

Equitie as ſome other ſay, is a reaſonable meaſure, conteining in it ſelfe a fit proportion, and rigor, ſo that it differeth from law in this, that law is a determinat ſentence ſet down according to the rules of the law: but equitie is a certaine proportion and allay, vpon good occaſions, ſetting on ſide the common rules of the law, and ſo they call it a ruled kind of Juſtice, allaied with the ſwetnes of mercie.

Equitie is diuerſly termed in the Law, ſometime it is very ſignificantly called a Conueniencie, becauſe it miniſtreth amongeſt men, a fit proporcion, anſwerable to the perſons, the matters, the places, & the times. Sometimes, plain dealing, is called Equitie, which is oppoſite to the dealing of man by nice points of the law, Some time it is taken for natural Juſtice, or the Law of Nature. Sometime it is taken for Law that is oppoſite to forged & deuiſed law. Some time it is taken for Religion &c. And to be ſhort, Equitie, is the correction or amendement of a good Law, which is defectiue in ſome part, by reaſon of the generality of it.

SECTIO. 23.

¶ *Of the diuiſion of Equitie.*

EQuitie is two fold, written, and not written, for Equitie may be vſed both in Schooles, and places of Judgement two wayes: The one, by taking good hede, how, and in what A

what sort, Princes and Lawiers haue obserued Equitie, in making & setting downe of Lawes, appointed to be rules & squares of mens actions. So that if at any time any case falleth out, which is in all points answerable to the Law, void of any different circumstances, which might require some change, or alteration of the Law, they may accordingly frame their iudgments, being sure & out of doubt, that the Law of Equitie is alreadie chalked out to them. An other way Equitie is to be practised in these particuler facts, which dailie fall out, and haue no certaine line and square set out for them in the Lawes alreadie made, so that we must be forced to deliuer our Iudgements in them, according to certaine circumstances, applyed as nerely as we can, to the principles of our Law. And herein standeth the greatest vse of Equitie, most fit for common weales. And therefore we may well call it an vn written Equitie, not because we are at our liberties to define and determine of it, without due regard had to the Law written, but because it taketh some libertie not to bind it selfe, to the generall Rules of Law.

SECTIO. 24.

¶ *Of the efficient cause of Equitie.*

A GOD is the efficient cause of Equitie, who hath so disposed of the nature of mankind, that we are not in any wise able, to set downe a certaine rule for future thinges, and yet hath bestowed vpon vs so much knowledge, as whereby we may frame certaine generall rules of honest life, which may serue for directions in all particuler actions and facts, daily & howerly falling out amongst men, if they be duely & carefully examined by the rule of Equitie, which hath her eye cast vpon all ordinarie circumstances.

SECTIO. 25.

¶ *Of the materiall cause of Equitie.*

A THe Law of Nature, the Law of Nations, and good maners, are the material cause of Equitie, for a well minded man, and of sound iudgment, wil make of these three an

holsome and verie medicinable mixture, for any state and common wealth. But the matter where about this Equity must occupie & bulie her selfe, are the affaires of men, infinite, as they fal out. For right or law will be rightly ministred, if as matters fall out, the circumstances therof duely considered, the ministers of the Law do frame their iudgements accordingly.

SECTIO. 26.

¶ *Of the formall cause of Equitie.*

THe formall cause of Equitie, is the matching & leueling of factes falling out, and the circumstances therof, with the rules of the Law, as buildings are framed to Carpenters lines and squares. A

SECTIO 27.

¶ *Of the finall cause of Equitie.*

THe finall cause of Equitie, or effect, is, to kæpe an equalitie amongest the state of men, who are at much oddes and squares amongest them selues, to the end, the common wealth may be preserued in saletie, which standeth for the most part in righteous Judgements. A

SECTIO. 28.

¶ *Why Equitie is sometimes compared to a Ruler.*

NOt vnfitlie is Equitie tearmed, the rule of maners, for as by a rule the faults of a building are discouered, so doth Equitie iudge a right, both of the written Law, and also of all mens actions & behauiors: And therfore such as are ministers of Justice, applie & frame their Judgments, after the square and rule of good and egall, that is to say: of Gods Law, and the Lawes of Nature. Against which Lawes, what Judgements soeuer be giuen, can not be but vniust and vnrighteous. A

SECTIO. 29.

¶ *How Equitie and Clemencie differ.*

THere is a difference betwéne Equitie, and Clemencie: for Equitie is alwaies most firmely knit to the wil of the Law which way soeuer it bendes, whether to clemency, or to seuerity. But clemencie is onely proper to the Prince, A

or

or those Magistrates, that haue like power of administration of Iustice, as Princes haue.

¶ *Of the difference betweene Equitie and strict Law.*

B STrict law & equity differ herein, that strict law doth set downe in a generall sort what it enacteth, and is seuere, and not to be moued, one way or other: it taketh order for things, once for all: the groundes and principles which it bringeth forth are vniuersal, and full of seueritie & sharpnes, frō which rules it wil not start aside, no not ẏ breadth of an haire. But equitie is fitly compared to a shoomakers shop that is wel furnished with all sorts & maner of lastes for mens fete. Where each man may be sure to find one last or other that shall fit him, be he great or small. It is not also vnfitly compared to an Apothecaries shop, stored with all kind of drugges, fit for all the maledies and diseases of men. Which drugs notwithstanding, in case they should be vnskilfully compoūded togither, would in stead of healing, worke present death to ẏ patient that should receiue them. For it requireth ẏ industrie and exquisite art of a good phisition, to make a right composition, discerning, and tempering by iust proportiōs good denims from euil. In like sort in affairs both publike & priuate, equitie doth particularly, & carefully examine the causes, the times, the circumstances, the sorts and differences of persons, and matters, & by former iudgements giuen in like cases, gathereth and frameth an absolute and perfect deciding and determining the matter presently in question and sute.

C And S. German to the like effect saith, equitie is a righteousnesse tempered with mercie, which considereth all the perticular circumstances of the deed. D. St. lib. 1. cap. 16.

This equitie, saith he, must alwaies be obserued in euery law of man, & in euery maxime or general rule thereof, for ẏ mens acts are so diuers & infinit, ẏ it is impossible to make any general law which may aptly meet wᵭ euery perticular act, & not fail in some special case. Therfore law makers doe foresee things which may oft happē: in so much as strictly to obserue

obſerue ỹ woꝛd & tenoꝛ of the law, were in ſome caſes both againſt Juſtice and the common wealth. Wherfoꝛe in ſuch caſes we muſt ſticke faſt to that which reaſon and Juſtice require, which is, that equitie may mitigate Rigorem iuris, which equitie is no other thing, then an exception of the law of God, oꝛ of the law of reaſon, from ỹ generall pꝛinciples of mans poſitiue law, not agreeing with them in ſome particularitie, which exception is inwardly implyed in euerie generall ground oꝛ Axiome of the Law. And yet taketh not away the verie right, but ſubſtituteth right in ſtead of that which by the onely letter of the law ſæmeth to be right and is not. Neither may we therefoꝛe accuſe the law of crueltie (which as is ſaid) generally taken is good of it ſelfe, and not cruel though it reach not fullie to euerie particular circumſtance of mens actions. And therefoꝛe if a law were made that no man vnder the paine of death, ſhould open the gates of a citie beſoꝛe the Sun riſing, yet he who foꝛ ſauing the citizens flying from their enimies to the ſame gates, openeth them beſoꝛe that time, offendeth not thintent & equitie of that law, D. S. li. 1. ca. 6. Oꝛ if a ſtatute were made, that whoſoeuer doth ſuch an act ſhould be put to death: yet if one of Non ſanæ memoriæ, oꝛ an infant of tender yeres, which wãteth diſcretion do ſuch an act, they ſhall not therefoꝛe ſuffer death. Oꝛ if a ſtatute were made that whoſoeuer receiueth oꝛ aideth with meat oꝛ drinke, otherwiſe J. S. an offendoꝛ knowing his offence ſhalbe acceſſarie thereunto as a felon, yet if his wife knowing his offence receiue & aid him, ſhe ſhal not therby be a felon, foꝛ in the generaltie of ſuch ſtatutes, madmen, infants, & his own wife are not intended to be included, but excepted by implication, by all which we may gather, that the outward woꝛds of ỹ law only are not the law, but the inward ſence & meaning therof. Foꝛ our lawes (as all other lawes) haue two partes, that is to ſay, the fleſh and ſoule. The letter reſembleth the fleſh, the intent, and reaſon, the ſoule: Nam ratio legis eſt anima legis. The Law may be compared to a

nut

nut wherof the letter reſembleth ỹ ſhel, the ſence ỹ kernel. And as the p̄fit of the nut is not in ỹ ſhel, but in ỹ kernel, ſo ỹ fruit of law is not in the letter, but in ỹ ſence, & as hē which reſteth vpon ỹ ſhel loſeth the fruit of ỹ nut: ſo hē which reſteth vpon ỹ letter wanteth the p̄fit of the law. for ỹ letter is ſometimes larger, & ſometimes narower thē ỹ intent which equitie regardeth. Plow.9.b.465.a.

E And Bract̄ of equitie writeth thus. Aequiē eſt rerū conuenientia quæ in paribus cauſis paria conſiderat iura, & oīa bene coequiparaṫ, & dicit̄ æquitas quaſi æqualitas, & vertitur in reb⁹, id eſt, in dictis & factis hominum li.1.cap.4. Sect.35.

SECTIO 30.

¶ *How the Chauncerie is termed the Court of Conſcience.*

A AND for ſo much as this court b̄idleth the rigour of ỹ cōmon law by giuing actions and exceptiōs for remedies wher by law none were acco̲rding to equitie & conſcience, to maintaine æquū & bonū, the common people terme the Chaūcery the court of conſcience, yet herein conſcience is ſo regarded ỹ lawes be not neglected, for they muſt ioine hands in the moderation of extremity, diuerſ. Cur̄. 105. Nā ipſe etiā leges cupiūt vt iure regant̄, id eſt, vt leui, facili, ac benigna interpretatione temperentur, vereq; dicitur. Nullus recedat̄ Cancellaria ſine remedio 4.H.7.4.

SECTIO. 31.

¶ *Of Conſcience.*

A THis conſciēce is defined, Reliqua in hoīe ratiōn ſcintilla, bonoī, malorūq; facinorū, index & iudex: igitur & b̄iptita ea ap̲pbatio ſcilicet & op̲pbatio: illa in bene hæc inſecus factis. Iuſtus Lipſius li.ciuilis doctrina. cap.5. for thus.

B Conſciētia eſt tacit̄ animi infallibileq; facti noſtri iudicium, a cōmuni iuſtitiæ formula, quam deus inſculpſit omnibus hominib⁹ p̲ductū, p quod aut accuſatur res mala aut defendit̄ bona. Oldēdorpius, Coraſius in Miſcel.li.4.ca.20. Conſciēce is an actual applying of knowledge to ſome ṗticular act of man as Saint. Gerñ ſaith, D. & St cap.15. & Syndereſis

which is termed a naturall power of the soule, perswading, good, & dissuading euill. D.S.lib.1.ca.13. and is nothing els but Attenta obseruatio occasionis cũ oibus circũstantijs eius, *Theucid.Lib.7.* and ministreth the general principles of that knowledge. Vere igitur dicitur, Conscientiam veram nisi adhibeat, Iudex non potest causam secundũ equitatem definire, si mille testes, totidemq; videat ob oculos instrumenta, conscientia enim (cum mille testium vim obtineat) certa est non fallitur, At in probationibus sæpe vel error, vel dolus versatur sicut experientia, heu nimis frequens nos docet, *Olden.*

SECTIO. 32.

¶ *Of Iudgements in Chauncerie.*

SO great is the power, iurisdiction, & maiesty of this court, A
that Iudgements therin giuen are not to be controlled or reuersed in any Court, then the high Court of Parliament, which is the chiefest of all other Courtes in thys Realme, Diuers.Cur 105. 37.H.6.14.

SECTIO. 33.

¶ *Of the power ordinarie of the Chauncerie.*

A NO this Court is armed with twofold power, that is to A
say: with power ordinarie and absolute. 9.E.4.15.

By ordinary power the L.Chancelor proceedeth as at the common Law, as in proceeding vpon Recognisanzes there knowledged, and trauerses of offices, in which parties are to plead & ioyne issue as at the common Law. And so in suit against, or for Clerks of the Chancerie, & other persons priuiledged by Attachment there for matter of action remediable by the common Law &c. But when they be at issue the Record must be transmitted into the K. Bench to be tried by Iurie. And when it is so tried, it must be remaunded into the Chancerie, that Iudgement may be there giuen vpon the same. 24.E.3.45. 14.E.4.7. 8.E.4.6.

SECTIO. 34.

¶ *Of the power absolute of the Chauncerie.*

THe absolute power is not tied to the rules of the common A
Law

Law, but by that, matters may bee examined omnibus vijs & modis quibus rei veritas melius sciri potest and iudged secundum allegata & probata, and not by Iurie of twelue men, as at the common Law: But by examination of witnesses, as in the Courts of the Ciuil Law. Smithus de Rep. Ang. lib. 2. ca. 12. Diuers. Cur 106. 9. E. 4. 15. Neither is such precise forme of pleading vsed in the Chauncerie, as at the common Law, nor any aduantage to be taken for misspleading, or want of forme, so as the substance of the matter be sufficiently disclosed in conscience. Diuers. Cur 106. 9. E. 4. 15. 24. E. 3. 45. 14. E. 4. 7.

B Diuerse other special authorities & priuiledges hath the L. Chancelor by sundry statuts, as therby appeareth. And partition made in the Chancery rēdring rent is good, & may wel be sent into the Kings Bench, & execution thereupon made by Scire fac' 37. H. 6. 43. li. ass. 32. And if lands be recouered from a womā wherof she was endowed in ỳ Chāc she may haue a scir fac' ther to be newly endowed, 29. ass. 23.

SECTIO. 35.

¶ *Of a Subpena.*

A And seeing the ordinarie means to cal & bring in the parties to answere in this Court is either by the Serieant of the Mace as before, or by Subpena which only is thoriginal processe of this Court, & must be directed to the parties, Do. St. li. 1. ca. 17. Smith de Rep. Ang. li. 2. ca. 12.

SECTIO. 36.

¶ *Cases remediable in Chauncerie.*

A Hauing thus perused equitie & summū ius with their differences, & also what conscience is, wherupon suits in this court do chiefly relie, it seemeth good now specially to cōsider such special cases as be remediable in Chauncery, & for which a writ of subp. lieth there, as in cases following.

B A Subpena lieth in no case but where the common law faileth, so as the partie who in equitie hath wrong, can haue none ordinarie remedie by the course and rules of ỳ common law 39. H. 6. 26. 7. H. 7. 11. as in these cases following, and such like.

As if the Quæne by her letters-Patents giue vnto A. C
goods forfeited to her highnes by treason A. may sue for ꝑ
same in Chauncerie. 39.H.6.26.

And it seemeth if one coexecutor alone releas debt due to D
the testat, his cõpanion may therof haue remedy in Chaũ-
cery against his coexecutor only, if no couin be in ꝑ debtor, but
if ther be, then against thẽ both 4.H.7.4. Diuers. Cur 106.

And by Woile, if in Quare imped. by two coperceners, E
thone make a false plea of couin betwæne him and the de-
fendant then his companion by suite in the court may en-
force him to ioine with him in a true count 6.E.4.10.

If landes in auncient demesne extended by statute mar- F
chant be recouered by commõ recouery, the cognizæ hath
no remedie but in conscience. 7.H.7.11.

If feoffees in trust commaunded cestuy q̃ vse to enfeoffe G
his vendee, refuse to do it, a subpena lieth for the vendee
against them. 37.H.6.36.

If cestuy q̃ vse deuise by his will that his feoffees make H
an estate to I.S. for life the Remainder to H. in fee, & I.
Refuse to take his estate H. after the death of I. may by
Subpena compel the feoffees to make estate to him accor-
dingly per Ienny & Finch. 37.H.6.36.

Ten in Burroughenglish enfeoffe A. to ꝑ vse of ꝑ feoffor I
& his heires, & die his yongest son shal haue a subpena & not
the eldest for the vse is of the nature of the land. 5.E.4.7.

If a man make a feoffement in trust of lands discended K
to him ex parte matris, and die without issue his heire ex
parte matris may haue a subpena. 5.E.4.7.

If a man make a feoffemt to performe his wil & after to
enfeoff his heires, & declare his wil for years, & die, hauing
issue a sonne & a daughter by one venter, & a daughter by
another venter, the sonne dieth without issue before ꝑ wil
be performed, his sister of the whole bloud to haue execu-
tion of the estate by the feoffees, for possessio fratris de feo-
do (of an vse) facit sororem esse heredem, and the wil for
yeares is no impediment of the possession: but otherwise

if

if it had bin of franketenement by the Reporter 5.E.47.

M If A. sealed in fee to the vse of a woman, who taketh an husband, & he selleth ỳ land to B. for money which ỳ wife receiueth, & A. at their request infeoff ỳ vendee, the husband dieth, ỳ wife may haue a subpena against ỳ vendee, hauing notice hereof, or else against the feoffe for recompence: for this is the sale of the husband onely. 7.E.4.14.

N If B. know ỳ W. is enfeoffed to mine vse, or of my wil, or hath goods giuen to him to mine vse, & buy ỳ lands or goods for money, a subpena lieth against ỳ vendor & vendee to performe the wil or vse 5.E.4.7.11.E.4.8.Diuers.Cur.106 but against ỳ vendor onely if the vendee haue no such notice. Diuers.cur 106.

O A man by subpena may enforce his feof. of trust to bring actiõs in their names.7.E.4.29.as trespas against trespas 11.E.4.8.yet if the feoffee had released to ỳ trespassor cestuy q̃ vse had bin remediles.11.F.4.8.or assise 2.E.4.2.or trespas for goods giuen to his vse taken away.7.Edw.4.29.but not an appeale of robberie, because they be not compellable to

p ioyne battaile.7.E.4.29.

If a feoffemẽt be made to ỳ chiefe Lord or others to vses, he may refuse to execute estate for extinguishing of his

Q Seigniorie, and no subpena lieth against him.16.E.4.4.

The heire of the feoffe in trust being in by discent is cõpellable by subpena to execute an estate according to the

R trust. 22.E.4.6.

If a wife wil that her feoffes shal enfeoffe her husband, he may not compel them thereunto, for the will of a wife

S in this case is voide 18.E.4.11.

If A. be bound to F. to the vse of C.C. in chaūcerie may

T compel F. to sue A. for the same. 2.E.4.2.

If R. deliuer money to A. to deliuer to his executors or administrators to dispose &c. & deliuer A. the same vpon bond to B. to kepe & redeliuer to him, R. dieth, his executors, or administrators may in Chauncerie compel A. to sue thobligées for the money. 4.E.4.37.

If P. be boũd in a stat staple to I. & H. to thuse of I. & H. releas P. no subp. lieth against P. notwõstanding ỹ he had notice of thuse for euery mã may lawfully aid himself. 11. E. 4. 8. Diuers cur. 106. ỹ like of an obligã to 2. to thuse of one, ỹ remedy is against him ỹ did so releas. D. Cur 106 E. 4. 8. V.

If A be bound to B. to thuse of C. & B. release C. may haue remedie therefore in Chauncerie. 7. H. 7. 11. W

If a mã pay debt due by specialty wõut an acquittance, or haue an acquittance, & lose it, he shall haue remedie in Chaũcery, 22. E. 4. 6. 7. H. 7. 11. But it seemeth to be otherwise. if the debt be by matter of record, for else might all records be auoided by witnesses which would distroy the common law. 22. E. 4. 6. Diuer. Cur. 106. D. & St li. 1. ca. 12 X

A subp' lieth on a pmise or agrem̃t by word, as to build a house, or do any other lawful act. 8. E. 4. 4. Diu. Cur. 105. Y

An action lieth against exet in Chauncerie vpon a simple contract without specialty. 7. H. 7. 11. Z

If ther be 2. obligors, & the oblig̃ giue lõger day of paim̃t to thone of thẽ, & sue thother, he may haue a subp. 6. E. 4. 41. aa

If goods be giuen to defraude creditors, they may haue remedie in Chauncerie against ỹ donées, or such as haue the possession of the goods. 16. E. 4. 9. bb

If a man be suertie for anothers debt, & the debtor, and others be bound to saue the suertie harmeles, & the suretie haue also goods deliuered by the debtor to saue harmeles. Notwithstanding the suertie pay the debt, yet if he sue his obligation, the debtor may haue a Subpena for restitution of his goods so pawned for same, least he should be twise charged therefore. 16. E. 4. 9. cc

If a man buy a debt due by oblig̃, & be boũd to pay a some of money to ỹ vẽdor for it, yet for so much as ỹ thing sold is chose in action in ỹ vendée can haue no propertie, & therefore hath not quid pro quo, the vendée may be relieued in equitie for his owne obligation. 37. H. 6. 13. dd

And for euidence wherof ỹ pl' knoweth, neither ỹ certain contents ee

contents nor continent, he may haue remedy in Chauncerie, Diuers. Cas 105.

ff Learne whether if a transitorie personal action be sued in a forein Countie, the defendant may stay the plaintif in Chauncery by Iniunction, Diuers. Cas 106.

gg So necessarie be the remedies in Chancerie vpon equities allowed by law, that it seemeth to some not inconuenient to haue assigned such remedies for the 7. groūd of the lawes of this realm, which are said to consist of vj. grounds onely, First the law of Reason, 2 The law of God, 3. General Customs of the Realme, 4. Principles or Warims of Law, 5. Particuler Custōes vsed only in certein places of this realme, 6. Acts of Parliament, Doct. & Stu Li. 1. ca. 3.4.5.6.7.8 9.10.11.& 17.

hh If a man bound in a single Oblig. or bill of debt, pay the mony according to the bond, neither taking an acquitance therof, nor cancelling the specialty of the same, he is by the comon law chargeable to pay the same debt again, by vertue of the said specialty: but may haue remedy therof in the Chancery, Doct. Stu Lib. 2, ca. 6. 1. H. 7. fo. 14.

SECTIO. 37.

A ¶A view of certein cases wherein the partie grieued seemeth wronged in conscience, & yet is remedilesse in Chancery.

B Of an vniust wager of Law in an action of debt vpon a simple contract, Doct. Stu. li. 1. ca. 18.

C Of a false verdict by a grād Jury in attaint, D. S. f. 1. c. 18.

D For damages where a man hath right or title to land in the possession of another, and may by action recouer, onely the land, but no damages, for the mean occupation there is no remedie for the same damages in Chauncery, as if tenant in taile be disseised, and the disseisor die seised, and his heire is in by discent, against whom thissue in taile bringeth a Formdon, he may recouer the land, but no damages, Do. Stu. li 1. ca. 19.

E A man may not deny that which he hath once affirmed

of record in a court of Record, nor affirme that which hee hath once denied of record in a court of Record, nor that whereof he wilfully estopped or excluded himselfe by deed indented, or otherwise, as if a daughter which is sole heire to her father sue liuerie with her bastard sister, she is remediesse by law. D. St. li. 1. cap. 19.

If a thing be found by verdict against trueth before F
iudgement. D. St. li. 1. cap. 19.

Where the cause of the law ceaseth, the law also ceaseth G
in conscience, as lesse for yeares recouereth by iudgement treble damages for a trespas of wast done by an estranger And he in the reuersion dieth before his action of Wast be ended, yet in cõscience he ought to sue executiõ for his single damages for he had no more hurt therby D. St. l. 1. c. 19.

A law grownded vpon a false presumption is not to bee H
holden in conscience. D. St. 1. cap. 19.

Conscience may not preuaile against a lawfull custome I
either general or particular, as in descents of lands to the eldest sonne by the common law, to ỹ yongest by borough-English, & to all by gauilkinde D. St li. 1. cap. 20.

So if a man without consideration make a deede of feof- K
ment of 2. acres of land, lying each in a seueral shire, and make liuerie of seasin in thone acre onelie in the name of both, that wherein liuerie of seasin was made only passeth in law and conscience D. St li. 1. ca. 20.

If one Iointenent of a wood sell the wood, and kepe all ỹ L
money receiued for it wholly to himselfe, his fellow may haue remedy in chaũcerie. l. 1. cap. 19. & so it seemeth, if they were iointents in cõmon, or copercioners of other things.

If a cõmon plou of his meer motion without other consi- M
deratiõ make a feoffmt of a manor, without these words, with the appurtenances he hath right only to ỹ demesnes & commons, & rents, of the attornement, but neither to aduowson appendant, nor villeine regardant. But in the Kings case, notwithstãding the words (w thappurtnãces

were in the graunt, yet neither Annowsons, nor Villeines do passe, either by Law or conscience, unlesse they be especially named. D.S.Lib.1.cap.19. 6.E.3.286. Regist.fo.228. Fundamenta Legum fo.70. 43.E.3.22.

N If a lease for yeares be reseruing rent with a clause, the rent is behind, the lessor dieth before demand, the heire can neither enter by law nor conscience: Otherwise if he made a lawfull demaund thereof. D.S.Lib.1.ca.20.

O If tenant in Dower sow the land & dye before the Corne be reaped, his executors shall haue the Corne but not the grasse, nor other fruits. D.S.Lib.1.ca.20.

P If tenant for lyfe, or tenant in taile after possibilitie of issue, alyen in fee, he in the reuersion or remainder may enter, and haue the land by the forfeiture, in law and conscience. D.S.Lib.1.ca.20. 45.E.3.3.

Q Euery Law ordeined for the disposition of lands or goods, contrary neither to the Law of God, nor to the law of Reason, bindeth in the Court of Conscience. D.S.Lib.1.ca.20.

R Whether one of the age of 11. yeares, who hauing reason and wisdome to gouerne himself, selleth his land for money, and therwith buy other landes of better value, and taketh the profits therof, may haue his first land againe in conscience, as he may in law, repaying the money which he receiued: Yet seemeth he may, because the contract is insufficient by reason of the infancy. D.S.Lib.1.ca.21.

S If a man sell his land by a sufficient and lawful contract, though he want liuerie or attornement, or such other solempnities of the Law, yet the sellor is compellable in the Chauncerie to performe the contract. D.S.Lib.1.ca.21.

T If tenant for life impanelled on an Inquest lose issues & dye, they are leuyable by law on him in the reuersion. And so be the husbands issues after his death vpon the wyues land, and as it seemeth in Conscience, for the necessity of the execution of Justice. D.S.Lib.1.ca.21.

V No man is bound in Conscience to pay the penaltie of a penall

penall Statute, nor other penaltie vntill it be lawfully recouered against him. D.S.Lib.1.ca.23.

If A. infeoffe B. in fee of land vpon condicion, that if he infeoffe any other, that A. and his heires may enter: thys condicion seemeth void in law & consciẽce, because it is contrarie to the Maximes of the law, notwithstanding thintent of the parties, for thintent must be ordered by law, & if it be not, it is void, as by a feoffement of lands without recompence to A. for euer, he hath estate for lyfe onlie, for want of the word (heires) And a Lease to A and his heires for xx. yeres, shal go to his executors, because it is a chattel, and so by feoffement without recompence to a man & hys wife and a third person, the husband and wife take onlie the moitie, because they are so in law. D.S.li.1.ca.24. W

A fine with proclamatiõ & no claim wꝫin v. yers extinguisheth the right of estrangers, aswell of the parties by law. X

And by Conscience also as it seemeth, because thereby the right & title is made certain, & therby the common wealth more quiet, & it is not contrarie to Gods law. D.and S.25. Y

Cõmon recouery with vouchers vpon writs of Entre orderly pursued, & no recouery in value to be had in deed barre thissue in tail in law, 23.H 8.B.Taile 23. 14.E.4.14.& 19. 13.E.4.1. Z

And in Conscience as it seemeth, for as the intailes are made by law, West.2.ca.1. euen so by law may they be adnulled. And such Lawes as concerne right or propertie to things, and be not contrarie to the lawes of God, or of reason, are good in conscience. D.S.lib.1.ca.6. aa

If a disseisor giue the lands to J.S. in taile, & he granteth vnto the disseisee rent out of the same lands, in cõsideration wherof the disseisee releaseth his right, this graunt bindeth the issue in taile for euer in law and conscience, because this release doth confirme his estate which the disseisee might else haue defeated. D.S.Lib.1 ca.27. 44.E.3.22. bb

If the bodie of a debtor that hath nothing, be by iudgment impri- cc

imprisoned vntill he pay his debt, he seemeth remedyelesse in conscience. D.S.Lib.1,ca.29.

dd A recouery with vouchers of an annuitie intailed, bindeth thissue in taile neither in law nor conscience, because a writ of Entre doth not lye for an Annuitie, nor any other writ then onlie a writ of Annuity against the person of the grantor or his heire, having assets by discent: Or against a Corporation, if it be granted to be perceyued out of their cofers, for that an Annuitie is no freehold in law. D.S.lib.1,ca.30. 44.E.3.5. 2.H.4.13. Fitz.Na.bre.fo.152.

ee If tenant in tail be disseised & dye, & a collateral auncestor to the heire in taile release to the disseisor with warrantie & dye, and the same warrantie discend vpon the said heire, he is barred in law & conscience. D.S.ca.31.35.H.6.63.41.E.3.7 45.E.3.23.19.H.6.59.15.H.7.9.& 10.21.H.7.39.3.H.7.9.

ff Tenant in taile after possibilitie of issue is dispunishable for wast by law & conscience, because he had once inheritãce. 45.E.3.3. 39.E.3.16. & therby power to wast wout punishment, which power endureth so long as his estate, D.l.2.c.1

gg If a man be outlawed before he haue knowledge of the suit, albeit the surmised cause of action be vntrue, yet the D. may haue his goods by law & conscience, by reason of his disobedience in not appearing, to the hindrance of theffect of law, for he is bound to take notice of the suit being of record at hys perill. And the forfeiture groweth by a generall Maxime made for the necessarie execution of Iustice: But it seemeth the defendant may haue remedie in conscience against him which caused him to be outlawed without iust cause. D.S.Lib.2.ca.3.21.H.7.7. 9.H.6.20.

hh If an estranger do wast lands which another holdeth for yeares, lyfe, in dower, or by the curtesie, without the tenãts assent, the owner of the reuersion may recouer the place wasted, and treble damages against the tenant in law.

ii And in conscience notwithstanding that the stranger be insufficient to recompẽce him for ỹ same, for it is his own act & follie

follie to take such estate subiect to the chance. D.S.li.2.ca.4.

If a reall action be brought by a verie lawfull heire, and kk
yet bastardie being pleaded in him, he is vntruely certified
by the Ordinarie to be a bastard, and so barred, the tenant
knowing this certificate to be vntrue, ought not in conscience to reteyne the land, yet is there no remedie for him in law, nor in Chauncerie, as it seemeth for that the Bishops certificat is the highest triall that the law affordeth in this behalfe. And euery stranger may take aduantage of this certificate, and no moe writs may be awarded for further triall of the trueth therof, for thauoyding of the inconuenience which might happen, if another Bishop should certifie such bastard to be legitimate. D.S.lib.2.ca.5.

If a feoffement in fee be made without dœde, or a gift in ll
taile, or a lease for lyfe, the remainder ouer in fee: Or if tenant for life graunt his whole estate by deede Poll, reseruing rent, in these cases the reseruation is void in law, and there is no remedie therefore but in conscience. D.S.lib.2. cap.9.

Learne whether Executors or Administrators hauing mm
assets, be compellable in Chauncerie to make amends for trespas done by their testator, or to pay debt due by him vpon a simple contract. D.S.lib.2.ca.10.

If tenant in fee haue two sonnes and dye, and I.S. abate, nn
and thelder sonne make his executors and dyeth, & the yonger recouereth against thabator in Assise of Mordancester the lands and damages from the death of his father, therecutors of thelder brother haue no remedie for the damages accrued in his life time, as it seemeth. D.S.lib.2.ca.13.

Tenant in dower hath no remedie in Equitie against the oo
alienee of her husband for damages growing betweene his death and her demaund. D.S.li.2.ca.13.

Tenant for lyfe disseised dyeth, his disseisor dyeth, hys pp
heire entreth, against whom the owner of the reuersion recouereth the landes, but no damages by law nor Equitie.

D.S.

D.S.lib.2.cap.13.

qq If a man ſeiſed of lands knowing that an other hath good right therunto, leuyeth a fine with proclamation to extinguiſh ſuch right, And maketh no claime within fiue yeres, he is remedyleſſe in law and Equitie. D.S.lib.2. cap.14.

rr A man ſeiſed of lands in fée hath a daughter, ſhe maryeth and hath iſſue, and her father dieth, the husband ſo ſone as he knoweth of his fathers death, hasteth to take poſſeſſion of the land, but before he come to it, his wife dyeth, he ſhall not be tenant by the Curteſie of England, by law nor conſcience, becauſe he had not actuall poſſeſſion thereof in the lyfe time of his wife. D.S.lib.2.ca.15.

ſſ If without conſideration a new rent be graunted wythout dœde, or a reuerſion without atturnment, the grauntée is remedyleſſe. D.S.lib.2 ca.15.

tt A man ſeiſed in fée of lands holden by Knights ſeruice, deuiſeth the whole to A. B. the deuiſée therof is remedyleſſe for a third part therof, for that there is no Mayme in law for him. D.S.lib.2.ca.15.

uu If the tenant make a feoffement of the land which he holdeth by prioritie, and taketh eſtate therof backe againe and dyeth, the Lord of whom he held by priority is remedyleſſe. D.S.lib.2.ca.15.

vv If the grauntée of a rent charge take a feoffement from the graunter of parcell of the lands charged to his own vſe, the whole rent is extinct by the vnitie of poſſeſſion, becauſe ſuch rent is againſt common right: And the Law deemeth it his own follie to accept ỹ feoffement, and neither his ignorance of the dœde, nor of the law can helpe him. D.S.li.2. ca.16. and 17. Yet *Quere* in Equitie, becauſe the graunter himſelfe is priuie to the ſaid feoffement. D.S.li.2.ca.17.

xx A. graunteth a rent charge out of two acres of land vnto B. and then infeoffeth Y. of the one acre in fée to his vſe, and after Y. intending to extinguiſh the whole right, cauſeth the

the same acre to be recouered against him, by common recouerie in a writ of Entre sur disseisin in le Post, in the name of the said grauntee (not knowing therof) and if an other man, who by force thereof entreth and dyeth, so that the grauntee is sole seised of all the same acre by survivor, to thuse of the said H. The whole rent is hereby extinct by law through the vnitie of possession, though the vse be to H. and it is also extinct in conscience as to the grauntor, because he is neither partie nor priuie to that by which the extinguishment groweth. But Quere whether in conscience the grantee ought to haue the whole rent of H. who caused the said recouerie to be so had. D.S.li.2.ca.17.

If a Villein graunted for lyfe, purchaseth landes in fee, and the grauntee enter before the villein alieneth the same, the grauntee shall haue the land for euer as a perquisite, by reason of the villein. And this both by law 5.E.4.61. and by conscience. D.S.lib.2.ca.18. Perkins Sect' 94.95.96.& 97.

If one haue a villein for yeres, as executor, who purchaseth lands in fee, the executor by law & conscience shall haue the same lands in fee to the behoue of his testator, and they shall be deemed assets in his hands. D.S.li.2.ca.18. because he hath them by reason of his villeine.

If a Lawyer ignorantly or affectionately giue wrong counsell to his clyent, who followeth it to his trouble and losse, yet is he remedyelesse as it seemeth. D.S. lib.2.cap.19. Therefore it is good to aske aduise of none but such as be learned in the Lawes, and of good conscience.

If a man without consideration giue lands by Indenture to H. and his heires, vpon condition, that if he pay not vnto I.S. x.li. rent yearely, that then the said I.S. may enter &c. which rent is not paid, yet the said I.S. may neither enter by law nor conscience, because he is neither partie nor priuy to the said condition, notwithstanding the intent of the guer, for such intent being not grounded vpon the Law is void. D.S.lib.2.ca.20. Plowden 25.B. But the feoffor as it seemeth

seemeth may lawfully reenter, because the wordes of the Indenture implie a condicion in law to that effect. D. S. li. 2. cap. 23.

3 If a man without consideration confirme the estate of his lesse for lyfe, the remainder to another in fee, this remainder is void in law and equitie, because a Remainder cannot commence, but at the same instant that the particuler estate, wherupon it dependeth began. D. St. li. 2. ca. 20. Plowden 25. b. yet the feoffor and his heires in this case may enter for the breach of the said condicion.

4 If by a feoffement indented it be agreed that the feoffee shall yearely pay to A. B. and his heires a certein rent, and that if he pay it not, that A. B. and his heire may enter &c. albeit the feoffee pay not the money, yet may neither the said A. B. nor the feoffor enter, for that there is no clause of reentre in the said deede. Howbeit it seemeth he may haue remedie in Chancerie for the said yerely payment. D. St. li. 2. cap. 21.

5 If A. promise to giue vnto B. a summe of money, or other thing of meere mocion without any consideration, the partie is not bound to performe this promise either by law or in Chauncerie, because it is Nudum pactum. D. S. li. 2. ca. 24.

6 If A. promise to giue B. 1. shillings in consideration of a trespas by him done vnto B. yet A. is not therby bound in law nor conscience, because thys is an accord, for which none action lyeth. And notwithstanding this accord, B. may haue his action for the said trespasse. D. St. li. 2. ca. 24.

7 If a man haue one sonne before marryage, and an other after, and bequeathed all his goods to his sonne and heire, it seemeth both in law and conscience, that the sonne borne after marryage shall haue the goodes, for he is heire by the common Lawes of the Realme, of which the spirituall Iudges are bound to take notice, and to giue sentence accordingly of temporall thinges: Notwythstanding that by the common Lawes the other sonne is legitimate, and

the

the testators heire for the auoyding of the inconuenience which might happen by the contrarie iudgements in seuerall Courts. In like maner temporal Iudges seeme bound in conscience to take notice of the cõmon Law, when they are to iudge of spirituall things, and to order their iudgements according to the same. D.S.li.2.ca.25.

8 Iointenants and tenants in common of an Aduowson, must within vj. Monethes after auoydance agree and ioine in presentment of their Clerke. And the eldest sister of Coparceners must present first, and then the second, by turne, or by such composition as they make thereof, except the yongest coparcener be the kings warde, in which case the presentment belongeth to the king. And if they keepe not this course of presentment within the sixe Monethes, they lose their presentment for that time. And the Ordinarie may present by Laps both in law and conscience. D. S. lib. 2. cap. 33.

9 And if thauoydance be by death, cession, or creation, the vj. Monethes commence at the death, creation, or cession, and the patron is bound to take notice therof. And if by resignation or depriuation, then from notice therof giuen by the Ordinarie to the Patron. If by vnion, from the agreement how they shall present. D.S.lib.2.cap.31.

10 The wife suruyuing her husband which toke a lease for yeares, or life, in both their names, may lawfully and with good conscience waiue and relinquish it: So may an Executor refuse a terme made to his testator, if he haue not assets. D.S.lib.2.cap.33.

11 If A. infeoffe an Abbot by deede indented vpon condicion, and the Abbot onlie performeth not the condicion, the feoffor both in law and conscience may reenter and haue hys land again as in his former right. D.S.lib.2.cap.34.

¶ *Warrantie collaterall.*

Warranty collateral

12 A Man seised of lands in fee hath issue two sonnes, the elder brother goeth beyond the Sea and remayneth there vntill

till it be commonly reported that he is dead, the father dyeth, the yonger brother entreth into his lands as his heir, & alieneth with warrantie, and dyeth without issue of his bodie, leauing no land to discend to his next heire, and afterwards the elder brother returneth and claymeth the lands in his owne right, yet is he barred by law and conscience, for that it is thact of his auncester whose heire he is, by whom as he might haue had aduantage to haue had hys lands by discent, from him as his heire, if he had had any, so it seemeth reasonable, that for the priuity of bloud he sustain disaduantage by him, because both the seller and the buyer were ignorant of thelder brothers lyfe and right, by reason of his owne absence, D.St.Lib. 2. cap. 49. Litt. sect' 704.

13 705. 707. But if such heire were vouched by force of such warrantie, he might enter into the warrantie, as one that hath nothing by discent from that auncester, and so auoide the warrantie.

¶ *Debt against one as heire.*

Debt against one as heire.

14 If the father bind him and his heires for the payment of a debt, and dye, leauing assets by discent to his sonne & heire, he is bound to pay the debt by law and conscience, because he hath such benefite by him. D.S.lib.2.cap.49. 26.H.8.f.1. 40.E.3.fo.38. 12.E.3.f.9. 13.E.3.fo.

15 It is agreeable both with Law and Conscience, that a man outlawed either in felonie or in actions personals, shal forfait and lose all his goods, because it is so ordeyned for the necessitie of the administration of Justice. D.St.li. 2.ca.49. 43.E.3.f. 18. 21.Ass.21. 39.H.6.f.26. 21.H.7.f.7. 49.E.3. f.5. 16.E.4.f.6.

16 The like is of forfeiture of goods attached by default of apparance, aswel in Court Baron as in Courts of Record. 28.H.6.f. 34.H.6.f.29. and 40. 21.E.4.f.78.

17 A man is disseised of landes, the disseisor selleth the land, the alyenee knowing of the disseisin, obtayneth a release with warrantie from a collaterall auncester of the disseisee,

ſée, who alſo knoweth that the diſſeiſée hath good right and title to haue the ſame lands, that collaterall auncеſtor dyeth, the warrantie diſcendeth vpon the diſſeiſée as his heire without aſſets, yet the diſſeiſée is barred by law and conſcience, for it were inconuenient that ſuch releaſes & other writings ſhould be auoyded by ſuch allegations of conſcience. D.S.li.2.ca.50. Litt.Sect'707.

If a feme couert béeing of full age leuie a fine by her huſ- 18
bands compulſion, yet after his death ſhée ſhall neuer for that cauſe by law nor conſcience, be admitted to auoyd ſuch fine, for the inconuenience which might thereof inſue, if by ſuch nude auerrments, matters of record ſhould be auoided. D.S.lib.2.cap.50. 7.H.4.fo.23.

If goods be wrecked vpon the Sea, that is, where goods 19
be caſt or come into the Sea by ſhipwracke, ſo that no man, dogg, or catt, come alyue to the land out of the ſhip or barge wherein they were caryed (which is dèmed a Wrecke, Weſt.1.cap.4.) and the owner therof prooueth them not to be his within a yeare and a day after ſuch wrecke, then the Quéene ought to haue them both in law and conſcience, becauſe ſhe is ſoueraigne head of the people, and owner of the narrow Seas, and is to ſcower them (as it fèrmeth) from Pyrats, and becauſe the propertie of goods muſt nèdes be in ſome perſon, otherwiſe they would periſh, which were againſt the weale publique, and in this caſe the firſt owner of the goods is vnknowen. And the like is it, of an Eſtray, or Deodand: But not of goods voluntarily weyued, or caſually loſt and found by others, for in theſe two laſt caſes, the propertie remayneth ſtill in the firſt owners D.S.li.2. cap.51. 35.H.6.fo.27.

The like fèrmeth to be where a ſubiect hath Wrecкes by 20
preſcription. 11,H.4.fo.16.

SECTIO

SECTIO. 38.

A NOw that we haue partlie seene where a Subpena lyeth, and where not, let vs set downe some what of the ordinarie proceeding therupon.

SECTIO. 39.

¶ *Of the ordinarie proceedings in the high Court of Chaunterie.*

A FIrst the partie greeued takes out his writ of Subpena against the partie or parties offending, which Subpena is in hæc verba.

B Elizabeth Dei gratia Angl', Franc', & Hiberniæ Regina fidei defensor &c. A.C. salutem. Quibusdam certis de causis coram nobis in Cancell' nostra propositis, tibi præcipimus, firmiter iniungentes qd' omnib' alijs prætermissis, & excusatione quacunque cessante, in propria psona tua sis coram nobis in dicta Cancellar nostra a die Paschæ proxim futur in vnum mensem vbicunq; tunc fuerit, ad respondendum super hijs quæ tibi obijcientur tunc ibidem, Et ad faciend' vlterius & recipiend' quod Curia nra considerauerit in hac parte. Et hoc sub pena centum librarum nullatenus omittas. Et habeas ibi hoc breue. Teste me ipsa apud Westmonaster xij. die Februarij, Anno Regni nostri tricesimo sexto.

Gorge &c.

C But if the defendant be a Noble man, then no Subpena is awarded, but a letter by the L. Chauncelor or L. Keeper thus.

After my verie hartie commendations to your Lordship, whereas there hath bin of late a Bill of complaint exhibited into the Court of Chancerie against you by H. D. gentleman, I haue thought good to giue you notice therof, rather by these my priuate letters, then by warding her Maiesties ordinarie

ordinarie proces: Wherfore these are to pray your Lordship to giue order for the taking out of a copie of the Bill, & for the putting in of your aunswere therunto, according to the vsuall course in such cases accustomed, at or before octabis Hillarij next comming. Of the which nothing doubting but that your L. will haue the care & regard which appertayneth, I leaue your L. to the most mercifull keeping of the Almightie. From Saint A. the ix. of May. 1594.

Your very louing friend
Io. Puckering.

The Superscription.

To my very good Lord, I. L. D. giue these.

And it is to be noted, that by the Statute 15. H. 6. ca. 4. a Subpena is not grantable without suerties to yeeld dammages vnto the defendant, if he be vniustly vexed. And it were good to obserue this course, for auoyding of causelesse & trifling suits, to which most men be ouer prone. D

Yet if the defendant do appeare at the returne of the Subpena, and no Bill be put into the Court by the plaintife against him, then costes are to be granted for such wrongful vexation. And therupon he may haue a Subpena ad soluend' for the same costes in forme following. E

A Subpena ad soluendum

ELizabeth Dei gratia Ang' &c. I. S. salutem &c. vsq; firmiter iniungentes, quod tu soluas, vel solui facias R. N. xl. s. qui per considerationem dñi Cancell', vel domini Custod' magni Sigilli, & cur̃ Cancell' nostr̃ prædict' eidem R. adiudicat̃ fuerunt pro misis & expensis suis quæ ipse sustinuit ratione & occasione cuiusdam quæremon̄, quam tu erga eundem R. in Cancell' nostra prædict' minime prosequereris cum effectu, iuxta formam statuti inde ædit̃ & prouisi, vel tu ipse sis coram nobis &c. F

Or thus, pro expensis soluend'.

To pare costes

Quod tu soluas, vel solui facias præfat̃ R. xl. s. qui eidem R. adiudicati fuerunt in Cancellaria prædict' pro expensis G

suis

ſuis occaſione iniuſte vexationis quã ipſe nuper indebite ſuſtinuit in quadam billa verſus ipſum R. in eadem Cancellaria ad proſecutionem tuam nup̃ fact̃, iuxta formam &c. *vt ſup̃.*

Dr thus.

H Que ſuſtinuerunt occaſiõ cuiuſdam bꝛis noſtri de Subpena eis direct' ad ſect' tuã proſecuti ad comparand' coram nobis in dicta Cancell nr̃a ad certũ diem iam p̃teritũ, pro eo qd' tu ad diem in dicto bꝛi conten' aliquã billam ſiue materiam verſus eos minime exhibueris, vel tuipſe ſis &c. Per Cancell'.

I **Although the wꝛit impoꝛt, that the Bill is put in befoꝛe the taking out of the ſame, yet if the plaintif put in his bill by the return of the wꝛit, it is ſufficient & no further pꝛoces paſſe. And although the wꝛit mencion the paine of C. li. oꝛ ſuch like, yet if the defendant do not appeare at the returne of the wꝛit, either by himſelfe oꝛ his Atturney, the ſaid pain is not foꝛfeited oꝛ leuyable, foꝛ it is** in errorem tantum. 8. E.

K **4. 6. 10. H. 7. 4. Then vpon Oath made befoꝛe ſome Maſter of the Chancerie foꝛ the ſeruing of the** Subpena, **which oath muſt be, that it was ſerued on the defendant himſelfe, oꝛ at his dwelling houſe, ſo that he might haue notice thereof, oꝛ that the deponent did ſee another ſerue the ſame, as afoꝛeſaid, oꝛ that the defendant confeſſed to the deponent, that he was ſerued, an** Attachment **ſhalbe awarded againſt the defendant as is ſaid,** in hæc verba.

SECTIO 40.

¶ *Of an Attachment.*

A E Lizabeth &c. *vt antea*, vic' South ſalutem, Precipimus tibi quod attachias A. C. Ita qd' eum habeas coram nobis in Cancellaria noſtr̃ in craſtino Sanct' Trinitatis proxiũ futur̃ vbicunq; tũc fuerit, ad reſpõdẽd' nobis tam de quodam contemptu p̃ p̃fat̃ A. C. nobis illat̃ vt dicitur, quã ſup̃ hijs que ſibi obijcientur tunc ibm̃. Et ad faciend' vlterius & recipiend' qd̃ Cur̃ noſtra conſiderauerit in hac p̃te. Et hoc nullatenus omittas. Et habeas ibi hoc breue. Teſte &c.

And if the defendant cannot be found vpon the Attachment, and that the Shirife returne, qd' def. non est inuent' in balliua sua, sometimes the Court vpon motion will (if the plaintifes suit be for the stay of some suit or action of extremitie at the common Law) stay the defendants suit, vntil he hath aunswered the plaintifes bill, and satisfied the Court for his contempt, but in ordinarie causes the partie proceedes to his Attachment with proclamation which followeth in hæc verba. B

SECTIO. 41.

¶ *Of an Attachment with Proclamation.*

Attachment with proclamation

E Lizabeth &c. Vicec' S. salutem, Precipimus tibi, quod in omnibus & singulis locis infra balliuam tuam, tam infra libertates quam extra, vbi magis expedire videris, ex pte nostr' publice proclamari fac', qd' A.B. sub pena ligeantiæ suæ coram nobis in Cancell' nostra in octab. Sancti Michaelis prox' futur' vbicunq; tunc fuerit personaliter compareat, & nihilominus si ipsum A.B. interim inuenire poteris, ipsũ attach. Ita qd' eum habeas coram nobis in dicta Cancellaria nr̃a ad diem prædictũ, ad respond' nobis tam de quodam contemptu p ꝑfat' A.B. nobis illat' vt dicitur, quam super hijs quę sibi obijcientur tunc ibm̃. Et ad faciend' vlterius & recipiend' qd' Curia nostra considerauerit in hac pte. Et hoc nullatenus omittas. Et habeas ibi hoc breue. Teste &c. A

And if the Shirife returne, qd' def. non est inuent' in balliua sua, vpon that proclamation, then a Commission of Rebellion insueth as followeth, to such Commissioners as the plaintife nameth. B

SECTIO. 42.

¶ *Of a commission of Rebellion.*

Commissio Rebellionis

E Lizabeth &c. Dilectis sibi A.B. C.D. E. & F. salutem. Quia A.B. cum per publicas proclamationes per Vic' South. in diuersis locis ejusdem Comit', virtute breuis nr̃i eidem vicecom̃ direct', ex parte nostra præceptum fuerit, quod idem A.B. sub pena ligeantiæ suę coram nobis in Cancell' nostra personã- A

ſonaliter compareret. Mandato tamen noſtro in ea parte parere manifeſte contempſit. Ideo vobis coniunctim vel diuiſim mandamus, qd' præf. A.B. vbicunq; fuerit inuenᵗ infra Regnum Angl' tanquam Rebellem, & legis nr̃e contemptorē attach. vel attachiari facias. Ita qd' eum habeatis, vel habere faciaᵗ coram nobis in dicᵗ Cancell' noſtr̃ in Craſtiñ animarum proxiñ futur̃ vbicunq; tunc fuerit, ad reſpōdendū ſuper hijs quæ ſibi obijcientur tunc ibidem. Et ad faciēd' vlterius & recipiend' quod Cur̃ noſtr̃ conſideraverit in hæc parte. Et hoc nullatenus omittaᵗ. Damus enim vniuerſis & ſingulis Vicec', Maioribus, Balliuis, Conſtabularijs, & alijs Officiarijs, Miniſtris ligeis & ſubditis nr̃is quibuſcunq;, tam infra libertates quam extra tenore preſentium firmiter in mandatis, quod vobis & cuilibet vr̃m in executionem præmiſſorū intendentes ſint, & aſſiſtentes in oĩbus diligenter prout decet. In cuius rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte &c.

SECTIO. 43.

¶Of an Iniunction.

AAND if the partie defendant cannot be taken by vertue of the ſaid Commiſſion: then if the plaintifes ſuit be for title of land, the Court ſome times graunts an Iniunction to the plaintife for poſſeſſion, till the defendant hath appeared, aunſwered, and ſatiſfied his contempt. If for ſtay of ſuit at the common Law, then an Iniunction vpon mocion of the Court may be obtayned: for the proceeding in this Court is, by the ſaid writs, and by orders, iniunctions, and decrees, which if the defendant reſiſt, his puniſhment for this reſiſtance, and for his contempt in not appearing, is impriſonment in the priſon of the Fleete, as is ſaid, during the Lord Chauncelor, or L. Keeper their pleaſure, or vntill he will obey and performe thorder and decree of the ſame Court, 37. H. 6. 13. and 14. 39. H. 6. 26.

SECTIO. 44.

¶ *Of Apparance.*

Appearance 44

BUt if the defendant appeare by Atturney, vpon Affidauit or oath made, that the defendant is not able to trauaile for the answering of the same cause personally in the Chancerie without daunger of lyfe, or by reason of extreame age, or other infirmitie, or reasonable cause, then or otherwise the Chauncelor or L. Keeper, or the Master of the Rolls by their discretions, may, & often do graunt Commissions to certein Gentlemen of credite in the County where the defendant dwelleth, to receiue and certifie his aunswere in writing, including the complaynants bill within the same Commission. The forme of such Commission insueth. A

SECTIO. 45.

¶ *Of a Dedimus potestatem or Commission to receiue an aunswere.*

A Dedimus potestatem or Commission to receiue an Answer

REgina &c. Dilectis sibi W. S. & A. B. armigeris salutem. Cum I. B. quandam petitionē coram nobis in Cancell' versus W. C. & I. vxorem eius nuper exhibuit, quodq; eisdē W. & I. per breue nr̄m præciperimus, qd' essent coram nobis in dicta Cancellat̄ nr̄a ad certum diem iam præteritū, peticioni prædict̄ responsur̄. Ac ijdem W. & I. adeo impotētes sui existant, quod vsq; cur̄ Cancell' nostrā prędict' ad diem illum ad responsiones suas eidem peticioni faciendas absq; maximo corporum suorū periculo laborare non sufficiūt vt accipimus. Nos statim eorundē W. & I. pie compacientes atque de fidelitatibus vestris plenius confidentes, dedimus vobis vel duobus vestrum potestatem & aucthoritatem ipsos W. et I. de & super materia peticionis prædict' diligenter examinand'. Et ideo vobis vel duobus vestrum mandamus, quod ad certos diem & locū quos ad hoc ꝓuideritis adp̄fat̄ W. et I. accedatas, si commode ad vos laborare non possint, ac ipsos W. et I. de & sup materia petic' p̄d' super sacramēt' sua corā vobis vel duobus A

duobus vestrum corporaliter prestand' diligenter examinetis dictasque suas responsiones recipiatis & in scriptis redigat̃, & cum illas sic reciperitis eas nobis in Cancellar̃ nostra prędicta cum tenore prædicto ac nomines Attorñ suorum ad lucrand' vel perdend' in præmissis in octabis &c. vbicunque tunc fuerit sub sigillis vestris vel duorum vestrum plane distincte & aperte mittatis & hoc breue, T. &c.

B **Which Commission is commonly returned with this indorsement.**

C Executio istius breuis (or) istius Cõmissionis patet in quibusdam scedulis eidem annexis.

D **Adding the Commissioners names thus.**

W. S.
A. B.

E **And then to file the said Bill which is sent enclosed in the said Commission, and the defendants answere to the backeside of the same Commission. And vnder the said answere the Comissioners most comonly cause the defendãt to subscribe his name, or to set his marke, and set downe thereunder also, these or the like words.**

F Capta apud C. in com̃ Eborum, 32. die A. anno Regni Elizab. dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ fidei defensor̃ &c. 36. cor̃ vobis.

W. S. &
A. B.

G **The Commissioners subscribing their names also to the said answere. And when this or any other Commission retournable in this Court is executed & retourned, it must be brought into the same Court, either by one or moe of the Comissioners therof, or by some other credible person: but if any other then some of the Commissioners do put it into the Court, he must make othe that he raceiued the same Comission, at the hands of some of the Comissioners therof, and that by his consent, procurement, or knowledge, it hath not bin opened or altered since he so receiued the same.**

It must be brought into the Court by one of the Commissioners, or by one that receyuedt it

Sect. 46.

at one of the Com-Missioners owne hande And ther
oppon he shall haue his oath given him. / And
it hath not bine altered to his knoledge, since
it came into his hande. /

SECTIO. 46.

Of a Supersedeas.

AND yet some time vpon good cause a writ of Supersedeas A
is awarded to stay the execution of such and other com-
missions in this forme following.

Regina prædicto & fideli suo Io. domino Darcy, Ac di- B
lectis G.F. A.E. & T.R. armigeris salutem. Licet nos nuper
per breue nostrum assignauimus vos tres vel duos vestrum, ad
quoscunque testes super quibusdam Interrogat' in dicto bre-
ui nostro inclus', pro parte W.W. quer', versus R.M. & I.S.
defendentes. Ac quod vos examinationes testium prædicto-
rum nobis in Cancellar' nostram ad certum diem in dicto bre-
ui nostro limitat' sub sigillis vestris trium vel duorum vestrum
mitteretis, prout in eodem breui nostro pleni' continet'. Qui-
busdam tamen certis de causis nos ad presens specialiter mo-
uentibus, vobis præcipimus quod in executione dicti breuis
nostri per vos, tres vel duos vestrum, vlterius fact' vel faci-
end' minime procedatis, sed inde supersedeatis vnico dicto bre-
ui nostro vobis prius in contrarium direct' non obstan', T.
meipsa apud &c.

SECTIO 47.

¶ *Of an imperfect Aunswere.*

BVt if the defendant appeare personally, or by Attorney, A
and make an imperfect answere, then vpon demurrer
tendred, and motion made in Court by the plaintifes coun-
saile, shewing the imperfection of such answere, an order
wilbe made, that the defendant shal make a better answere
by some certein time, and thereupon issueth a Subpena ad
faciend' meliorem respons'.

SECTIO. 48.

¶ *Reioyning and ioining in Commission, ad examinand' testes.*

AND when the defendant hath made a perfecte answere A
the plaintife eyther of his owne accorde, or by order
in Court must replye, or bee dismissed for want of a
replica-

replication, and ordered to pay to the defendant costes for his wrongfull veration, but vppon replication put in by the pl'is to take out a subpena against the defendant a reiungend', & iniungend' commissione ad examinand' testes, which differeth nothing from the said subpena ad comparend', but that it is indorsed with these or the like words.

Ad reiungendum & iniungendum in commissione in materia W.S. Naming the plaintife.

And thereupon the defendant must put in his reioinder to the plaintifes replication. And if any other matter be in the defendants reioinder then was in his answere, then may the plaintife put in a surreioinder, and thereby answere the same, and so proceede to perfect issue, the forme of all which hereafter appeareth: And the parties being so at issue, they either examine their witnesses before the examiners of the Chauncerie in court, or doe procure a commission, ad examinand' test', to certaine persons of good credite in forme following.

SECTIO 46.

¶ *Of a Commission ad exam' testes.*

A ELizabeth Dei gratia, Angliæ, Franciæ, & Hiberniæ Regina, fidei defensoris &c. Dilect' sibi I.F.R.H.armig', R.W. & N.S. generosis salutem. Sciatis quod dedimus vobis tribus, vel duobus vestrum, potestatem, & authoritatem testes quoscunq; de & super quibusdã interrogatorijs tã ex pte W. W. armigeri quærẽ, quam ex parte A. M. vid' defẽ, vobis tribus vel duobus vestrum deliberand' diligẽter examiñ. Et ideo vobis trib' vel duobus vestrum mandamus, quod ad certos dies & loca quos ad hoc prouideritis testes prædictos coram

coram vobis tribus, vel duobus veſtrum venire fac', & euocetis. Ac ipſos teſtes, & eorum quemlibet de & ſuper Interrogatorijs prædictis ſuper ſacramenta ſua coram vobis tribus, vel duobus veſtrum, per Sancta Dei Euangelia corporaliter præſtandum diligenter examinetis. Examinacioneſque ſuas recipiatis, & inſcriptis in pergameno redigatis. Et cum illas ſic ceperitis eas nobis in Cancellariam noſtram in quindena Paſche proximum futurum, vbicunque tunc fuerit ſub ſigillis veſtris trium vel duorum veſtrum clauſ. dictincte, & aperte mittatis vna cum Interrogatorijs prædictis, & hoc breui: Prouiſo ſemper quod dict' defend' habeant præmonitionem per ſpacium quatuordecim dierum, de die & loco executionis huius commiſſionis ante execionē eiuſdem, T. meipſa apud Weſtmonaſt. 7. die Febr. anno regni noſtri triceſimo ſext.

The returne of which Commiſſion is commonly iudged vppon the ſame thus. B

Executio iſtius commiſsionis patet in quibuſdam ſcedulis eidem commiſsioni annexis. C

The Commiſſioners names.

W.S. A.B. C.D.

And then to file the interrogatories and depoſitions to ỳ backe ſide of the commiſſion, and vpon receipt of ſuch commiſſion ỳ commiſſioners or ỳ party which hath the cariage of the ſame, if the day and place for execution therof be not limitted in the commiſſion, do vſe to giue notice thereof to the partie in writing vnder their hands thus. D

SECTIO 50.

¶ *A note whereby Commiſſioners may giue the parties warning of the time and place of their ſitting for the execution of ſuch Commiſſion.*

AFter our hartie commendations, whereas we haue receiued her Maieſties commiſſion forth of her Highnes court A

court of Chancerie to vs and others, directed for the examination of witnesses betwéen C.S. plaintife, and W.R. defendant. These are to signifie vnto you, that for therecution of the same Commission, we whose nemes are subscribed haue appointed to sit at S. in the Countie of D. the last day of the next Moneth, by vig. of the clocke in the forenoone of the same day, which wee haue thought good to signifie vnto you, that you may haue your Commissioners and witnesses then there readie accordingly, if you thinke it expedient for you. And so bid you farewell, 26. Feb. 1593.

Your louing friendes
A.B. C.D.

SECTIO 51.

¶ *Of cyting Witneſſes.*

A AND if such Commission giue authoritie to them, to cyte and call witnesses before them, they vse to do it by such a Precept as followeth.

The Precept of Commissioners, to bring witnesses before them to be examined.

B By vertue of her Maiesties commission forth of her highnesse Court of Chauncerie to Sir A.N. knight, L.R. Esquier and vs, directed for the examination of witnesses betwéen G.S. plaintife, and W.R. defendant: These are to charge and commaund you, and euery of you, whose names are hereunder written, that you faile not personally to appeare before vs at S. the last day of this Moneth, then and there to depose your seueral knowledges, vpon the part and behalfe of the said G.S. And hereof faile you not as you will aunswere your defaults at your perills. Dated this 15. of August 1592.

Your very louing
frinds A.B. C.D.

To

To our verie louing frends, maister
B.L. G.C. R.P. I.P. Esquiers.
L.C. R.T. Gentlemen.

SECTIO 52.

¶ *Subpena ad testificand'*

BVt if that no such power be giuen by such commission, A
then if the witnesses will not appeare gratis, they
are compellable thereunto by Subpena, ad testificand' in
maner following.

¶ *Subpena ad testificand' coram commiss.*

Elizabeth &c. Quibusdam certis de causis &c. sitis coram B
dilectis nobis R. & C. armig. E.H. & E.C. generosis vel duo-
bus eorum commissionarijs nostrijs virtut breuis nostri de De-
dimus potest' eis direct' ad certos diem & locum quos præ-
fat' commissionar' vobis Scire fac' (Aliter apud N. in com B. xx.
& xxj. diebus Aprilis prox. futur) vt ipsi vos tunc & ibidem
de & super quibusdam Interr' pro parte A.B. diligent' possint
examinare, & ad faciend' vlterius & recipiend' quod per di-
ctos commissionar' nostros vel duos eorum in ea parte conside-
ratum fuerit. Et hoc Subpena centum libr' nullaten' omit-
tatis. Et habeas ibi hoc breue T. meipsa apud Westmonast'
&c. vt supra.

SECTIO 53.

¶ *Of the Style of Interrogatories.*

INterrogatories to be ministred to the witnesses to be A
produced on the part and behalf of A.B. complainant, a-
gainst C.D. defendant (if they be for the plaintife) but if
for the defendant, on the part & behalfe of C.D. defendant
against A.B. complaynant.

Inprimis, Do you know the said parties, plaintife and de- B
fendant, or either of them &c.

Item

Item do you know &c. As the cause requireth.

SECTIO. 54.

¶Of the style of the Depositions thereupon taken.

A ¶Depositions taken at H. in the Countie of E. the last day of Aprill, in the xxxvj. yeare of the Raigne of our Soueraigne Ladie Elizabeth by the grace of GOD, of England, Fraunce, and Ireland Queene, defendresse of the faith &c. on the part and behalfe of A.B. plaintife, against C.D. defendant, (or on the part of C. D. defendant, at the suit of A.B. plaintife) by vertue of her Maiesties Commission forth of her highnes court of Chancerie, to R.S.C.L.P.Q. and W. M. or to three, or two of them directed, for the examination of witnesses betweene the said parties.

B I. L. of A. in the Countie of E. labozer, of thage of xlvj. yeares, oz there abouts, swozne and examined, deposeth and sayth vpon his Oath as followeth.

C Item to the first Interrogatozie he deposeth and sayth, that &c. As the matter is &c. And so vpon the rest of the Interrogatories.

SECTIO 55.

¶Of Publication, Hearing, and Breuiates.

A After that the Witnesses be so examined in the Court, oz by Commission, as is afozesaid, Publication is to be had, & therupon a day of hearing to be pzocured. Against which time, Bzeuiats must be made of the effect of the pleadings, depositions, and other pzoues and euidence, and the counsel perfectly instructed of the whole state of the matter, and a Subpena ad audiend' Iudicium, made & deliuered to the party in conuenient time befoze the said day of hearing: At which time albeit that vpon the hearing the matter be dismissed, yet may the parties haue the depositions of their witnesses

exemplifyed vnder the great seale of England for the furtherance and maintenance of their rightes and titles, at and by the common law. But if the matter be directed for the Compl. after the decree past and enrolled, he may haue a writ de executione iudicij, which must be serued vpon the defendant. And if he refuse to satisfie the same, then vpon oath made thereof, proceese of contempt is to issue against him in forme aforesaid. And if such decree be in a suit for lands, and the plaintife abide all the said proceese of contempt, and stil deteine the possession of the lands from the pl. contrary to the said decree, then vpon motion thereof made in the court: a Commission is vsually graunted to the sherife, and some others neere adioining to the lands in question, to put the plaintife in possession, & to keepe him in possession according to the said decree.

SECTIO. 56.

¶ *Of a Commission to examine witnesses in perpetual memory.*

FIrst the plaintife must exhibite his bill, and therby shew A his title to the land, lease or such like matter that he hath right vnto. And that the witnesses which can proue his title are aged, & not like long to liue, whereby he may be in danger of the losse of the thing in question. And therfore to pray to haue a Commission directed to certein gentlemen of credit and worship for the examination of the said witnesses, and also to pray proces of Subpena against him, her, or them, to shew cause, if he or they can, why the plaintife should not examyne hys witnesses, as aforesaid. The forme of which proceese ensueth, in hæc verba.

¶ *A Subpena in perpetuam rei memoriam.*

ELizabeth dei gratia Angliæ, Franc', & Hiberniæ Regina fidei B defensor &c. I.S. salutem. Cum A.B. exhibuit coram nobis in

in Cancellaria noſtra quandam petitionem vt quidam teſtes in perpetuam rei memoriam verſus te examinarent, & ne id tibi in præiudicium cederet, tibi præcipimus firmiter iniungentes, quod omnibus alijs prætermiſſis, & excuſatione quacunque ceſſante in propria perſona tua, vel per tuum Attorñ, aut deputatum, ſis coram nobis in dicta Cancellaria noſtra infra quatuordecim dies immediate poſt receptionem huius breuis (ſi tibi ita viſum fuerit) vt dicti teſtes, aut alij quicunque ex parte tua ibidem ſimiliter examinar poſſint, (ſi ita velis) vel vt oſtendas & proponas vel oſtendi & proponi facias tunc & ibidem bonam ſufficientem & probabilem materiam pro parte tua quare ijdem teſtes pro parte dicti A. B. in forma prædicta examinari, & peſtea eorum examinationes ſecundum ordinem & curſum dict' Cur̃ noſtre publicari & diuulgari non debeant.

Concerning theſe matters of the Chauncerie, note what enſueth.

A And if the partie defendant do appeare, either by him ſelfe, or his Counſaile, and ſhew ſuch ſufficient cauſe as the Court will allow of why the Plaintife ſhould not examine his witneſſes as is aforeſaid, then the plaintife may not proceede therein, vnleſſe he can better ſatiſfie the Court to the cõtrarie. But if the def. be cõtented, & will ioine with the plaintife in examination, thẽ after examination ſo had, there can be no publication thereof during the liues of the witneſſes, vnleſſe the defendant do aſſent, or vnleſſe the Plaintife, or ſome other in his behalfe do make oth, that the matter whereuppon the witneſſes were examined, is to take triall at the common law, either at the aſſiſes, or at the barre, and that A. B. or more of the witneſſes before examined, are neceſſarie witneſſes, and not able to trauaile to the ſaid triall, and vppon ſuch othe taken, his or their depoſi-

tions to be published of course. And to be exemplified if the partie so require.

But if the partie defendant do not appeare vpon the D
said writ, neither by himselfe, nor his Atturney, by the
end of the said fourténe daies, nor shew no cause of stay
thereof, whether it be in Terme or out of Terme time,
then vpon oath made of the seruing of the same writ, the
Lord Chauncellor, Lord Keeper, or Maister of the Rolles,
for the time being, at the request of the plaintife, will
appoint commissioners for the examination of the plain-
tifs witnesses, according to certaine orders prescribed in
that behalfe.

There be also many other different formes of Subpe-
naes and Commissions, of which some do hereafter ensue.

SECTIO 57.

¶ *Subpena ad testificandum super petitionem.*

AD testificandum pro parte tua in quadam materia content A
in quadam petitione ad sectam tuam versus quendam W.
M. coram nobis in dicta Cancellaria nostra nuper exhibit,
vel tuipse sis coram nobis, &c.

SECTIO. 58.

¶ *Aliter ad testificandum ad assisas super articul'.*

SIris coram Iustitiarijs nostris ad assisas in Comitatu H, A
capiend' ad proximas assisas in Comitatu prædicto, te-
nendum apud L. die Lune, in tertia septimana quadra-
gesimæ, vt ijdem Iusticiarij vos tunc & ibidem pro par-
te R. W. de & super veritate quorundam articulorum
per præfatam R. versus A. B. exhibit possint examinari,
Et sub pena, &c.

Sect. 59.

SECTIO 59.

¶ *Sulpena ad oſtendendum cauſam quare euidenc' non deliberentur.*

A REgina, &c. Quibuſdam &c. vſque vbicunque tunc fuerit ad oſtendendum quare euidenc' & ſcripta per te in Cancellariam noſtram prædict', nuper deliberat', & ibidem adhuc remanen W. C. deliberar non debeant. Et ad faciend', &c. *vt ſupra.*

SECTIO. 60.

¶ *Sulpena ad teſtificandum ad aſſiſas in London.*

A Sitis coram dilecto & fidei noſtro Edmũdo Anderſon, militi capit Iuſticiar noſtro de Banco, ac Iuſticiar ad aſſiſ. in ciuitate London, capiend' aſsign apud Guilhaldã ciuitatis London, prædict' die Veneris, videlicet nono die inſtantis menſis Februarij proxim futur, vt ijdem Iuſticiar vos tunc & ibidem pro parte H. T. poſſunt examinare. Et hoc &c.

SECTIO 61.

¶ *Sulpena ad teſtificandum coram vicecomit' London.*

A ELizabeth Dei gratia Angliæ, Franciæ, &c. W. I. ſalutem. Quibuſdam certis de cauſis coram nobis in Cancellaria noſtra propoſitis tibi præcipimus, firmiter iniungentes, quod omnibus alijs prætermiſsis, & excuſatione quacunque ceſſante in propria perſona tua ſis coram vicecomit ciuitatis noſtræ London, apud Guilhaldam eiuſdem ciuitatis die Iouis prox. futur, ad teſtificandum veritatem in materia, & ad faciendum vlterius, & recipiendum quod de te cõtigerit ordinari tunc ibidem. Et hoc ſub pena centum libr nullatenus omittas. Et habeas ibi hoc breue. Teſte meipſa apud Weſtm vltimo die Martij, Anno regni noſtri triceſimo ſexto.

SECTIO 62.

¶ *Subpena pro euidentijs adferendis.*

REx R. D. ſalutem. Quibuſdam certis de cauſis coram A
nobis in Cancellaria noſtra propoſitis, tibi præcipimus,
firmiter iniungentes, quod omnibus alijs prætermiſſis & ex-
cuſacione quacunque ceſſante in propria perſona tua ſis co-
ram nobis in dicta Cancellar noſtra in Quindena Sancti Hil-
larij prox. futur, vbicunque tunc fuerit adferens tecum om-
nia & omnimoda cartas, ſcripta, euidentia, & munimenta in
cuſtodia tua, aut alicuius alterius perſonæ, aut per tuam deli-
berationem ad tuum vſum exiſten vnum meſſuagium vocat
Le G. & vnū horeū cum omnibus terris eidem meſſuagio
pertineñ concerneñ, in quadam petitione per W. T. coram
nobis in Cancellaria noſtra prædicta verſus te exhibit, conten
ſpecificat, & ad faciendum vlterius, & recipiendū quod
cur noſtra conſiderauerit in hac parte. Et hoc nullatenus o-
mittas, & habeas ibi hoc breue, Teſte &c.

SECTIO. 63.

¶ *Aliter pro obligatione deliberand.*

ADferēs tecum quādam obligationem per quam W. C. mi- A
les tenetur & obligatur T. B. militi nuper marit tuo iam
defuncto in ducentis mcis in cuſtodia tua exiſten, vt dici-
tur & ad faciendum vlterius &c. vt ſupra.

SECTIO. 64.

¶ *And when a ſuite hath depended vnproſecuted two yeares.*
they award a Subpena de Attorn faciena,
in this forme.

REx B. R. ſal &c. (vſq; tunc fuerit, & tūc ſic) ad faciendum A
Attornū in materia quæ eſt coram nobis in dicta Cancella-
ria noſtra inter te defendeñ, & M. S. quærent per billam
& ad faciend &c. vt ſupra.

Sectio 65.

SECTIO 65.

¶ Commiſſio ad recipiendum reſponſum, & ad examinandum teſtes quoſcunque, & ad audiendum & terminandum.

A R Exdilect' ſibi A. T. armiger & R. S. armiger ſal. Cum H. W. quandam petitionem coram nobis in Cancellar noſtra verſus Ri. C. nuper exhibuit, quodque eidem Ri. per breue noſtr', præceperimus, quod eſſet coram nobis in dicta cancellar noſt. ad certū diem iam præteritum, ſub certa pena in dict' bri noſtro cōtenta petitiōn prædict' reſponſur, Sciatis q' aſsignauimus vos ac tenore præſentiū damus vobis vel vno veſtrū poteſtat & auctoritatem reſponſiōn præfati R. ad petitionem prædict' recipiend', & in ſcriptis redigēd, & quoſcunque teſtes de & ſuper materia in petitione & reſponſiōn præd', content, examinend', ac eandē materiam iuxta ſanas diſcreciones veſtras vel vni' veſtrū audiend', & finaliter determinand'. Et ideo vobis mandam' quod viſo tenore petitionis præd', quam vobis mittim' preſentib. inſcluſam præfat Ri. corā vob. vel vnus veſtrū venire faciatis, ac reſponſ. ſuam petitiōn prædict', in forma præd', fiendum ſuper ſacramentum ſuum recipiatis, & in ſcriptis redigatis, nec non teſtes præd', coram vobis vel vno veſtrū ad certos dies & loca quos ad hoc prouideritis coram vobis venire faciat, & euocetis, ac ipſos, & eorum quēlibet de & ſuper veritate petitionis, & reſponſiōn præd', ac de & ſuper articulis omnibus, & ſingulis præmiſſa qualitercunq; concern ſup eorū ſacram corporaliter pſtād', dilig' examinet, examinationeſq; ſuas recip', & in ſcrip. redig'. Et cum eas ſic ceperitis eandem materiā partibus ad id vocat viſiſq; corū ſcriptis & auditis huic inde earū rationib', & allegationib. omnib' vijs modis, & medijs quibus melius ſcieritis, aut poter, vel vnū veſtr ſcier, aut poter iuxta ſanas diſcretiones veſtr vel vnius veſtr finaliter determinetis, vel vnus veſtrum determinet. Sin autem nos de omni eo quod inde

feceritis, vel vnus veſtrum fecerit in Cancellaria noſtra ſub ſigillis veſtris, vel vnius veſtrum in Quindena Sancti Michaelis prox. futur, vbicunque tunc fuerit diſtincte & aperte reddatis, ſeu vnus veſtrum reddat certiores hoc breue vna cum petitione reſponſione, & teſtium examinationibus prædictis nobis remittentes T. &c.

SECTIO. 66.

¶ Commiſſio ad audiendum & terminandum materiam in petitione, & reſponſione, & ad examinand' teſtes quoſcunque.

A commission to heard and determ the matter in petition.

REx dilect' ſibi, A. & B. ſalutem. Quia de & ſuper veritate quærimoniæ in quadam petitione coram nobis in Cancellaria noſtra per T.C. verſus I.R. & alios nuper exhibita contenſ, ac de & ſuper veritate in quadam reſponſione per partes prædictas in hac parte factis, & in eadem Cancellaria ſimiliter exhibit, nec non de & ſuper omnibus articulis & circumſtantijs quærimoniam & reſponſionem illas concernen, vt tutius & conſultius pro iuſtitia in eiſdem exhibend' procedere valeamus vobis de quorum fidelitatibus, & prouidis circumſpectionibus plene confidimus, dedimus vobis, vel duobus veſtrum poteſtatem, & auctoritatem audiendi, & examinandi materiam in petitione, ac reſponſione, ac in omnibus articulis, & circumſtantijs prædictis quærimoniam, & reſponſionem illas concernen hijs præſentibus annex. contenſ & ſpecificat', & eandem materiam iuxta ſanas diſcretiones veſtras finaliter ſi poteritis determinand'. Et idem vobis, vel duobus veſtrum mandamus, quod ad certos dies & loca, quos ad hoc prouideritis teſtes quoſcunque inter partes prædictas, quos maxime pro teſtificatione veritatis præmiſſorum fore videritis euocandos coram vobis, vel duobus veſtrum euocetis. Ac ipſos teſtes, & eorum quemlibet de & ſuper quærimonia, reſponſione articulis & circumſtantijs prædictis ſuper

A

ſacramenta

ſacramenta ſua diligenter iuretis, & examinetis. Et ſuper hoc auditis hinc inde earum rationibus, & allegationibus, ac alijs vijs ac modis, quibus melius ſcieueritis, aut poteritis eandem materiam vt prædictum eſt finaliter ſi poteritis determinetis. Sin autem nos in Cancellaria noſtra de omni eo quod inde feceritis in Quindena Sancti Hillarij prox. futurum, vbicunque tunc fuerit ſub ſigillis veſtris vel duorum veſtrum diſtincte, & apperte reddatis certiores, remittentes nobis tunc tenores prædictos, vna cum hoc breui. Teſte &c.

SECTIO. 67.

¶Commiſſio ad examinandum teſtes ad locum & diem certum, de valore bonorum & catallorum.

A REgina dilect' & fideli ſuo R. B. militi ac dilectis ſibi I. D. & P. W. armigeris ſalutem. Sciatis quod nos de fidelitatibus & prouidis circumſpectionibus veſtris plurimum confidentes, aſſignauimus vos, ac tenore præſentium. Damus vobis, vel duobus veſtrum plenam poteſtatem, & auctoritatem inquirendi, tam per depoſitiones, quorumcumque teſtiū, coram vobis producend', & examinand', quam alio quocunque modo ad libitum veſtr' quæ bona & catalla fuerunt I. M. generoſi, ſiue alterius cuiuſcunque remanent, infra domum manſionalem, ſiue firmam de C. in E. in coñ Oxoñ quo tempore Ro. Bi. poſſeſſionem eiuſdem domus ſiue firmæ nactus ſit, & cuius, valoris ſiue precij eadem bona & catalla ſic infra eandem domum, & firmam præd' exiſtentia ad tunc fuerunt, & extiterunt. Damus etiam vobis, vel duobus veſtrum poteſtatem & auctoritatem teſtes quoſdam quorum ſeperalia nomina in quibuſdam Interrogatorijs præſentibus intercluſ. ac eiſdem teſtibus ſeperaliter proponend', incerta apparebūt de & ſuper eiſdē interrogat' diligenter examinand'. Et ideo vobis mandañ, quod ad certos dies & loca, quos

quos ad hoc prouideritis, teſtes prædictos ac alios quoſcunque quos maxime pro teſtificatione veritatis fore videritis neceſſarios & opportunos coram vobis vel duobus veſtrum venire facias, & euocetis, ac ipſos, teſtes, & eorũ quemlibet tunc & ibidem, tam de & ſuper pleno & iuſto valore omnium & ſingulorum bonorum, & catallorum prædictorum quam & ſuper Interrogatorijs prædictis, ſuper ſacramenta ſua per Sancta Dei Euangelia coram vobis, vel duobus veſtrum corporaliter præſtandum diligenter examinetis. Examinacioneſque ſua recipiatis, & inſcriptis in pergameno redigatis. Et cum eas ſic ceperitis nos inde, ac de omni eo quicquid pro meliore cognitione præmiſſorum feceritis, vel duo veſtrum fecerint in cancellar̃ noſtra in Octabis Sancti Mich. prox. futur̃, vbicunque tunc fuerit ſub ſigillis veſtris, vel duorum veſtrum clauſ. diſtincte, & aperte reddatis certiores, remittentes nobis interogatoria prædict', vna cum hoc breui T. &c.

SECTIO 63.

¶ Commiſſio ad ſuperuidendum & diſtinguendum vaſtum.

De vasto ſuperuidendo et diſtinguendo

REx dilect' ac fideli ſuo Willihelmo P. Militi, ac dilect' ſibi W. T. armigeris ſalutem. Sciatis quod nos de fidelitatibus, & prouidis circumſpectionibus veſtr̃ plenius confidẽtes, aſsignauimus vos, ac tenore præſentium damus vobis plenam poteſtatem, & auctoritatem audiendi & examinañ quandam materiam in quibuſdam articulis his præfatibus annex. contentam, & ſpecificat', & eandẽ materiam iuxta ſanas diſcretion veſtr̃ finaliter ſi poteritis determinãd'. Et ideo vobis mandamus, quod ad certos dies & loca, quos ad hoc prouideritis ad quoddam vaſtum vocat' **Blackdowne** ſup M. in com̃ S. in articulis prædict', ſpecificat' perſonaliter accedatis, vaſtumq; illud ſuperuideatis, actam per depoſiciones teſtium quam alijs vijs modis, & medijs quibus melius ſcieueritis aut poteritis diligenter inquirat' quantũ inde ad manerium de H. & quantũ inde ad manerium de W. in comit' præd', pertinere debeat & ſuperinde

ſuperinde, limites, bundas, metas & diuiſas, inter vnum & alterum, & quantum ad vnu, m & quantum ad alterum Maneriorum prædictorum pertinere vobis conſtare poterit, poni faciaſ & limites examinationeſque teſtium prædictorum recipiatis, & in ſcriptis redigatis, omneſque alias depoſitiones teſtiũantehac examinaſ minumenta, ſcripta, recorda, tranſcripta terrritoria, chartas, terrias ac alias euidentias, quaſcũque per partes in articulis prædict' ſpecificaſ, coram vobis exhibend acceptetis & inſpiciatis. Et ſuper hoc, materiam in articulis prædictis ſpecificaſ iuxta ſanis diſcretiones veſtras finaliter ſi poteritis determineſ, Sin auſ nos in Cancellaſ noſtra de omni eo quod inde feceritis in quindena Sancti Michaelis prox. futuſ vbicunque tunc fuerit ſub ſigillis veſtris diſtincte & aperte reddatis certiores, remittentes vobis articulos prædictos vna cum præſentibus. T. &c.

SECTIO 69.

¶ *A Commiſſion directed to the Lord deputie of Ireland and the Lord Chauncelor, with others for the hearing and determining of a title of Land.*

A ELizabeth by the grace of God &c. To our right truſty and right welbeloued Sir H. S. knight, of the order &c. Lord deputie of our realme of Ireland H. C. Archbiſhop of D. our L. Chancelor there, Sir J. P. knight chief Juſtice of ỹ Plæs there, J. B. eſquire chief Baron of our Eſchequer there, F. A. eſquire one of our priuie Counſaile there, J. D. eſquire ſecond Juſtice of our chiefe bench there, R. F. eſquire our Seriеant at the Law there, and L. D. eſquire our Solicitor there greeting. Know ye that for certeine conſiderations vs thereunto moueing, and of our mere motion, and for the great confidence and truſt we haue in your fidelities, circũſpections, prouidences & wiſedomes, we haue deputed, ordeined, authoriſed, appointed, conſtituted, giuen and granted, and by theſe preſents do depute,

depute, ordeine, authorise, constitute, appoint, giue, and graunt vnto you, or any viij. vij. vj. v. iiij. or iij. of you (of which we wil that &c be alwaies one) ful power, iurisdiction, and authoritie to hold plee, heare, determine, discusse, decree, & finally to iudge of all & singuler actions, debats, strifes, quarrels, rights, titles, and demaunds whatsoeuer they be, alwel reall as personal, which by plaint, supplication or bill to be exhibited or otherwise by any maner of means else, shal, or may appeare, or come before you, or any viij. vij. vj. v. iiij. or iij. of you (of which we will that &c. be alwaies one) of, for, and concerning thinterest, right, title, demaund, and possession of two parts, or moities of al those lands &c. with thappurtenances in the countie of D. within the said realme of Ireland to be by D. D. late of &c. I. D. widow, F. D. M. D. D. D. Gentl. and sonnes to R. D. late deceased, and R. D. Nephew to the said F. M. and D. or by any of them seuerally, or iointly, or any ij. iij. iiij. v. or vj. of them against C. S. alias H. Lord of H. within our said Realme of Ireland, and all and euerie other person or persons, which shal claime from, by, or in the right of the said Lord, or in his, or their owne right or rights, or by any meanes else whatsoeuer it be, which he or they claim to haue to the said moities of the two partes of the said landes &c. with the appurtenances aforesaid: geuing and graunting, and by these our Letters patents, we do giue and grant vnto you, or to any viij. vij. vj. v. iiij. or iij. of you (of which number we will that &c. be alwaies one) full power, iurisdictiõ, & authority to cal before you, or any viij. vij. vj. v. iiij. or iij. of you (of which we wil &c. be alwais one) at such times & places according to your good discretions, which vnto you or any viij. vij. vj. v. iiij. or iij. of you (of which wee will that &c. be alwaies one) and to cause the said Lord H. or any which claimeth in his or their owne right or rights, or by any waies or means els whatsoeuer, any interest, right, title or possession in the ij. parts or moi-

ties

ties of the said lands &c. with their appurtenances afore-
said, or any parcel therof, to answere, reioine & ioine issue,
or otherwise pleade as the cause and matter shall require,
& vpon any plaint, supplication, action, or suit whatsoeuer,
which shalbe exhibited or come before you, by thaforesaid,
D.D.P.P.J.D..F.D.H.D. and R. or by any of them
iointly or seuerally or any ij.iij.iiij.v.or vj.of them, of, and
concerning the said two parts or moities of the said lands
&c. with their appurtenances aforesaid: giuing & granting,
and by these presents, we do giue & grant vnto you, or any
viij.vij.vj.v.iiij.or iij.of you (of which we wil that &c. be al-
alwaies one) full power, iurisdiction, and authoritie accor-
ding to your wisedoms. discretions, and prouidences, to cal
before you, all maner of witnesses, and to examine all char-
ters, euidences, muniments, writings, and euerie other
thing els, which may be a meane to proue, fortifie, disclose,
or make euident the interest, right, titles, demaund or pos-
session of any of the aforenamed parties, to the said ij. par-
tes, or moities of the said lands &c. with their appurtenan-
ces aforesaid, and vpō the same throughly, & with mature,
delibration, and iudgment considered and waighed, we do
A giue & grant vnto you, or any viij.vij.vj.v.iiij.or iij. of you
(of which number we wil that &c. be alwaies one) ful pow-
er, iurisdiction, & authoritie to proceed to the full order, de-
cree, definition, sentence, & finall iudgement, according to
your discretions, of the interest, right, title, demand, & pos-
session of the said two partes, or moities of the said lands
&c. with their appurtenances aforesaid, and to decree the
possession of the premisses to him or them, to whom of right
it ought to appertain, & his or their said possessions to main-
taine: and if any of the parties afore named, or any other
person or persons which shal haue to do in the same matter
or cause, do wilfully, or obstinately withstand or disobey a-
ny processe, order, decree, sentence, or iudgement which
shall be directed or giuen in the premisses by you, or

any

any viij. vij. vj. v. iiij. or iij. of you, of which number we wil that &c. vt supra, be alwaies one.) Then we will and commaund you, and by vertue of these our Letters patents giue full power, warrant, and authoritie vnto you, or vnto any viij. vij. vj. v. iiij. or iij. of you (of which number we will that you &c. be alwaies one) to commit him or them to prison, there to remaine till his, her, or their conformities shalbe therein had, willing and commanding you, or any viij. vij. vj. v. iiij. or iij. of you (of which we wil &c. be alwaies one) that at such times and places, as to your discretions, or to the discretion of any viij. vij. vj. v. iiij. or iij. of you (of which number &c. be alwaies one) shall seeme fit and conuenient, diligently to attend, apply and with speed put in execution the effect of this our Commission, so as the complainants before named, or any of them which shall haue to do therein, may not haue iust cause to make further complaint for delay or want of Iustice, willing and commaunding you or any viij. vij. vj. v. iiij. or iij. of you (of which we wil &c. be one) to admit no dilatorie exception to any supplication or supplications, bill or bills of complaint exhibited, or to be exhibited before you or any viij. vij. vj. v. iiij. or iij. of you (of which number we wil that &c. be alwaies one) or otherwise to the ouerthrowing of this our Commission. But according to our meaning herein to proceed, & go to ỹ ful hearing, ordering, decreeing, iudging, & determining of the right, title, and demand of the parties aforesaid, of, for, and concerning the premisses, and euerie part and parcel thereof, and accordingly to decree, & iudge, as to equitie and right shall appertaine, any act, statute, Law, prouision, or ordinance to the contrary thereof notwithstanding. And therefore faile you not, as you tender our fauour, for if our said Subiects D. D. P. P. I. F. M. D. and R. D. should be put from such triall of their right to the premisses, as by this our Commission we haue prouided for them. Their disabilitie and want of riches, wealth,

frend-

frendshippe, and alyance considered, and of the other part the said Lord of P. their aduersarie being throughly furnished of al those things, and withal being a Lord by birth, and of great calling and authoritie, and inhabiting within the said Countie where the said lands &c. do lye, our said subiect should be in perill and danger to be without remedie at our comon Lawes there, which were no smal mischiefe to them. The premisses considered, we haue granted this our Comission according to the tenor aforesaid. And further we wil and commaund you, and by vertue hereof giue full power and authoritie vnto you, or any viij. vij. vj. v. iiij. or iij. of you (of which we wil that &c. be one) that after the right interest, title, & demaund decred, adiudged, and determined, as is aforesaid: that you haue consideration vnto the hinderance, losses, and damages which the complainats or any of them, as is aforesaid, haue, had, and sustayned by reason of the wrongfull detayning of the possession of the premisses, and the said damages by you, as is aforesaid, tayed, and extracted therof, to cause a ful execution and satisfaction to be had and made vnto the said complainants, and euery of them, as is aforesaid, and for the better putting in execution of this our commission, we wil and commaund the Shirife of that our said Countie of D. and all other our officers for the time being, to whom in this case it shal apperteine, that they and euery of them be attendant vpon you, or any viij. vij. vj. v. iiij. or iij. of you (of which we wil that &c. be one) for therecuting, fulfilling, & doing of all, and euery act and acts, thing or things, as shal be by you, or any viij. vij. vj. v. iiij. or iij. of you) of which &c. be alwaies one) commaunded, limited, or appointed. In witnesse whereof &c.

SECTIO. 70.

¶ Hauing hitherto in some sort shewed the writs of Commissiõs and course of proceeding in Chancery suits, it seemeth needfull now to expresse what

what Bils of complaint, Answeres, Replications, Reioinders, and Surreioinders be, with diuerse formes therof, according to the causes of suit.

SECTIO 71.

¶ *What a Bill of Complaint is.*

Kindest billes quoque.

A Bill of complaint is a declaration in writing, shewing the plaintifes griefe, and the wrong which he supposeth to be done vnto him by the defendaunt, and what damages he susteineth by occasion thereof, praying processe against him for redresse of the same as may appeare by many examples hereafter following, whereupon Hostiensis hath these verses. A

Quis quid coram quo, quo iure petatur & a quo.
Recte compositus quisque libellus habet.

And first the matter of euery bill ought to be true.

Secondarily the same matter ought to be layd downe therein plainly and certeinly in euery circumstance of the thing, person, time, place, maner of doing, and other accidents. And thirdly the same ought to be sufficient in Law both for the forme thereof, & for the matter, that it be such as is examinable in this Court, which being otherwise may be dismissed thence. B

SECTIO. 72.

The direction of all Bils in the Chancerie must be at the topp thereof. And when there is neither Lord Chancelor nor Lord Keeper, it is thus. A

To the Queenes most excellent Maiestie, in her highnes Court of Chancerie.

And when there is a L. Keeper, as at this time, thus: B

To the Right honorable Sir Iohn Puckering Knight, Lorde Keeper of the great Seale of England.

And when there is a Lord Chancelor, then thus. C

To

To the Right honorable Sir C. H. knight, Lord Chauncelor of England.

D Their other titles of honor may be alſo added in the ſaid direction, but they are not much neceſſarie.

SECTIO 73.

¶ *What an Anſwere is.*

A AN anſwere is that which the defendant pleadeth or ſayeth in barre to auoide the plaintifes bill, or action, either by confeſſion and auoiding, or by denying and trauerſing the materiall parts thereof. And the title of ſuch anſwere is thus.

The Aunſwere of A.B. defendant to the Bil of

B complaint of C.D. complainant.

But if there be many defendants, then thus.

The ioint and ſeueral anſweres of A.B. and C.D. defendants, to the bill of complaint of E.F. complainant.

C An anſwere is called in latin. Exceptio, quæ dicta eſt quaſi quædam excluſio quæ interponi actioni cuiuſque rei ſolet, ad excludendũ id quod in intentionem condemnationem iure deductum eſt. Vlpianus.

SECTIO 74.

¶ *What a Replication is.*

A A Replication is the plaintifes ſpeech or anſwere to the defendants anſwere, which muſt affirme and purſue his bil, and confeſſe and auoide, deny or trauerſe the defendãts anſwere. And note that the plaintife ought to replie the nert terme after that the defendant hath anſwered, elſe may he giue him day to replie, by which day if he do not reply, the defendant may procure a diſmiſſion and get coſts.

Et dicta videtur replicatio quod vel implicatam & quaſi tectam exceptionis iniquitatem replicet & patefaciat: vel potius quod equitatem actionis ab excipiente rei tectam & quaſi complicatam explicet atque aperiat, Hottamanus.

And

And the title of a Replication is thus.

The Replication of W. P. Complainant to the anſwere of R. C. defendant.

SECTIO 75.

¶ *What a Reioinder is.*

A Reioinder is thaunſwere which the defendant maketh to the plaintifs replication, which muſt purſue and confirme his anſwere, and not ſwarue from the ſame, and ſufficiently confeſſe and auoid, deny or trauerſe, eche materiall part of the plaintifs replication, Eſt autem reiunctio ſeu duplicatio vel allegatio q; datur rei ad infirmādam replicationem actionis & confirmandam exceptionem rei. Spieg. A

If the parties be not yet at iſſue, by reaſon of ſome newe matter diſcloſed in the defendants reioinder, that requireth aunſwere: Then may the plaintife Surreioine to the ſaid reioinder, and the defendant in like maner to the Surreioinder, if there be cauſe, which appeareth very ſeldome.

And the title of a Reioinder is thus.

The Reioinder of C. A. defendant to the Replication of E. W. complainant. B

SECTIO 76.

¶ *What a Surreioinder is.*

A Surreioinder is a ſecond defence of the plaintifes action, oppoſite to the defendants reioinder, And therefore Hottamanus, calleth it, Triplicatio, quæ eſt ſecundæ actionis defenſio contra rei duplicationem oppoſita. A

And thus is the title of a Surreioinder.

The Surreioinder of E. W. complainant to the Reioinder of C. A. defendant. B

¶ *A bill*

SECTIO. 77.

¶ *A Bill of Complaint for entering into and making secrete estates of Copyhold lands, to disinherite the plaintife by hauing the Copyes thereof.*

A Humbly complayning sheweth vnto your honorable L. H. E. of B. in the Countie of Yorke Esq. That whereas H. E. late of S. Esquier deceased, father to your Orator, was in his life time by good and lawfull conueyance and assurance in the law, lawfully seised to him and to his heires in fee simple, according to the Custome of the manor of W. in the said Countie of Y. of one Copyhold or Customarie messuage or tenement, and of certain customarie landes, meadowes, and pasture, to the quantitie of one hundred acres or there abouts. And the said H. E. your Orators father so being thereof seised as aforesaid, and being visited with sicknes during the minoritie of your said Orator, by good and lawfull conueyance and assurance in the law, and according to the custome of the said manor of W. did conuey, assure, and surrender the said copyhold or customarie messuage or tenements, and other the premisses with the appurtenances into the hands of A. B. the Lord of the said manor, for the better maintenance, and to the vse of your said Orator, To haue and to hold to your said Orator, and to his heires and assignes, at the will of the Lord, according to the custome of the said manor: By force whereof your honors said Orator in the Court of the said manor paid his fine, and was of the said copyhold & customary tenements with the appurtenances, by the then Steward of the said manor of W admitted tenant. But so it is, if it may please your honor, that all the Euidences and Copies, of, and concerning the said messuage, landes, tenements and premisses, being left in the handes, custodie, and possession of your Orators said father whilest he lyued in right, belonging vnto your Lordships said Orator, are now by casuall

and sinister meanes comen to the handes and possession of one H. H. of D. in the said Countie of Y. who by colour of the hauing ther of, hath wrongfully entred into the said mesuage, landes, and premisses aforesaid, and hath made and conueied vnto himselfe, and to others to his vse, diuers and sundry secret estates thereof, and doth pretend wholie to disinherite your Lordships said Orator of the same, notwithstanding your said Orator hath by diuers and sundry meanes in friendly maner, oftentimes sought to haue the said euidences and coppes, and requested the same at the handes of the said H. H. and also that he would yeld vnto your said Orator the quiet possession of the said mesuage, landes, and premisses, to whom he doth well know the same in right to belong and appertaine, yet that to do, he hath not onelie denyed and refused, and still doth denie and refuse to do the same: But of his further malyce agaynst your said Orator, he doth threaten your Orator in such sort, that your Orator for want of the said Euidences and Coppes, dareth not make his iust and lawfull entrie, in, and to the same: And also the said H. hath committed, and doth continue daylie great and outragious wastes and spoyles, in decaying of the houses, felling downe of the wood and tymber trees of the premisses, to your Orators great losse and disinherison, and contrarie to all right, equitie, and good conscience: In tender consideration wherof, and forasmuch as by the strict course of the common Lawes of this Realme, your Lordshippes said Orator hath not anie ordinarie remedie for the obteyning and recouering of the said Euidences and Coppes, for want of the certeine knowledge of the contents and dates therof, and what in them be conteyned, neyther can your Orator learne agaynst whom to commence anie suit for the said mesuage, landes, and premisses, for that the said H. H. and others to your Orator altogether vnknowen, haue confederated themselues together against

your

your said Orator, and haue contriued and made amongst them selues, dyuers secret estates and conueyances, and haue so intermingled the same, to, and with other landes, tenementes, and hereditamentes, to, and wyth certaine of their owne freehold and inheritance, that your Orator knoweth not which the same be, nor how much thereof the said H. H. and other hys confederates do seuerally hold, whereby to commence anie action or suit, or make any lawfull entrie, into, or for the same, wythout your Orators great daunger: And yet your Orator hopeth, that vpon the corporall Oath of the said H. H. he will manyfest such matter, whereby your Orator may the more better, easilie, and readylie proceede and attaine to the recouering of hys iust and lawfull right and inheritance of the premisses: For the furtherance wherof, it may please your good Lordship, to graunt vnto your said Orator, her Maiesties most gracious writt of Subpena, to be directed to the said H. H. commaunding him there by, at a certaine day, and vnder a certaine paine therein to be limitted, personally to be and appeare, in her Maiesties high Court of Chauncerie, then and there, to answere to the premisses &c.

SECTIO 78.

¶ *The Answere of H. H. defendant, to the Bill of complaint of H. E. complaynant.*

A THe said defendant saith, that the said Bill of complaynt agaynst hym exhibyted into this honorable Court, is verie incertaine, vntrue, and insufficient in the Law to be answered vnto, by the said defendant, for diuers and sundry

apparant faults and imperfections therein contayned: And deuised and exhibited unto this honorable Court, partly of malice and euill will, without any iust cause conceyued against the said defendant, to thintent thereby vniustly to vexe and molest him with tedious trauell, being an aged man, and to put him vnto great expences, being verie poore: But chiefely to thintent and purpose to wearie, impouerish, and terrifie him this defendant: Neuertheles, if by the order of this honorable Court, the defendant shalbe compelled to make any further or other answere vnto the said vntrue, incertaine, and insufficient bill of complaint, then and not otherwise the aduantage of exception thereof to this defendant, at all and euery time and times hereafter saued for further answere thereunto, and for a full and plaine declaration of the trueth, touching so much of the materiall contents of the said bill, as in any sort concerneth this defendant. He for himselfe saith, that whereas the said Complaynant in his said bill alleageth, that one H. E. his father deceased, was in his lyfe time by good and lawfull conueyance and assurance in the Law, lawfully seised to him and his heires in fee simple, according to the Custome of the said manor of W. in the said bill mencioned, of one copyhold or customarie messuage or tenement, and of certaine customarie lands, meadowes, and pasture, to the quantitie of an hundred acres, or there abouts: And that he being thereof so seised, and visited with sicknes, during the minoritie of the said Complaynant, by good and lawfull conueyance and assurance in the Law, and according to the Custome of the said manor of W. did conuey, assure, and surrender the same Copyhold or Customarie messuage or tenement, and other the premisses with the appurtenances there vnto belonging, for his better maintenance, to the vse of the said complaynant, To haue & to hold to the said complainant, and to his heires and

assignes

aſſignes, at the will of the ſaid Lord, according to the cuſtome of the ſaid manor: And that by force thereof the ſayd complaynant in the Court of the ſaid manor, paid his fine, and was of the ſaid Copyhold or Cuſtomarie tenements with thappurtenances, by the then Steward of the ſayd manor of W. admitted tenant. Ye this defendant ſayth, that he to his knowledg, the ſaid H.E. late father of the ſaid complainant was neuer either lawfully ſeiſed to him & to his heires, according to the cuſtom of the ſaid manor of W. of the ſaid tenements and premiſſes in the ſaid bill mencioned, by any good & lawfull conuayance and aſſurance in the law, according to the cuſtome of the ſaid manor: Nor did euer conuay, aſſure, & ſurrender the ſaid cuſtomarie tenements, & other the premiſſes, to the vſe of the ſaid Complaynant his heirs & aſſignes: Neither did the ſaid complainant euer pay his fine for the ſame in the ſaid Court, neither was he euer lawfully admitted tenant therof, as he the ſaid complaynant in his ſaid bill vntruely pretendeth. And whereas the ſaid complaynant in his ſaid bill alſo pretendeth, that the euidences and copies, of, and concerning the ſaid meſuage, lands, tenements, & premiſſes, being left in the hands, cuſtodie, and poſſeſſion of the ſaid complaynants father whileſt he lyued, in right belonging vnto this complaynant, are now by caſuall meanes comen to the hands and poſſeſſion of this defendant, and that he by colour of the hauing therof, hath wrongfully entred into the ſaid meſuage, lands, and premiſſes aforeſaid, and hath made and conuaied to himſelfe and to others to his vſe, diuers & ſundry ſecret eſtates therin, and doth pretend therof wholie to diſinherite the ſaid complaynant. This defendant ſaith, that none euidences or copies, of, or concerning the ſaid meſuage, tenements, and premiſſes, are by caſuall meanes, or other wiſe come to the hands or poſſeſſion of this defendant, and that by colour of hauing therof, he this defendant neither wrongfully entred into the ſaid meſuage, tenements, & premiſſes,

nor any part thereof, neither hath he this defendant conueyed to himselfe, or to any other person to his vse, diuers and sundry, or any secret estates thereof, neither doth he pretend thereof wholie to disinherite the said complaynant, as in the said bill it is vntruelie alleaged: without that, that the sayd complaynant by diuers and sundrie meanes in friendlie maner hath oftentimes sought to haue the said euidences and copies, and requested the same at the handes of this defendant, And also that he would yeld vnto your said Orator the quiet possession of the said messuage, tenements, and premisses, or that he this defendant doth well know the same, in right to belong vnto him the said complaynant, as in the said bill it is vntruely alleaged: And without that, that he this defendant of malyce against the said complaynant doth threaten him the said complaynant, in such sort, that he for want of the said Euidences, dareth not make his iust and lawfull entrie or claime, to, and in the same premisses, or that he the said defendant hath or could commit, or doth, or can continue daylie committing great and outragious wasts and spoyles, in decaying of the houses, and felling downe of the woodes and tymber trees of the premisses, to the great losse and disherison of the said complaynant, and contrarie to all right, equitie, and good conscience, as in, and by his said bill of complaint he hath most vainly & vntruely alleaged. For touching the said supposed threats, this defendant saith, that he is a verie feeble poore olde quiet man, verie desirous of the fauor & good will of all men, and therefore neither willing, nor able by hys threats to terrifie or feare the said complaynant, beeing a gentleman of worship, power, and lyuing, hauing manie kinsfolkes, allyes, friendes, and seruants, so that he this defendant hath rather iust cause to be afraid of the said complaynant, then the said complaynant to feare him. And further touching the said wasts & spoyles, this defendant saith, that the said Customarie or Copyhold in W. aforesaid, are holden

holden of the manor af W. aforesaid. And without that, that the said complaynant hath, or euer had any lawfull title to commence any action or suit, or to make any entrie, against or vpon this complaynant, for any lands, tenements, or hereditaments, in the said bill of complaint mencioned, as it is therin vntruely alleaged: And without that, that this defendant can vpon his corporal Oath manifest such matter, whereby the said complaynant may the more better, easilie and readylie proceede and attaine to the recouering of any iust or lawfull right or inheritance, or in any other maner then in this answere is set downe, as the said complaynant vnwisely gesseth, and most vainlie hopeth, as he in his said bill alleageth: And without that, that any other matter, thing or things, clause, sentence, article, or allegation in the said bill of complaint conteined, material or effectual in the law to be answered vnto by this defendant, and not herein confessed and auoided, denied or trauersed is true. All which matters this defendant is readie to auerre & proue, as this honorable Court shall award: And therfore prayeth to be dismissed out of the same, with his reasonable costs & charges in this behalfe wrongfully & without cause sustained.

SECTIO 79.

¶ *The Replication of H. E. Esquier complaynant, to the Answere of H. H. defendant.*

THe said Complaynant for Replication saith, that he will auerre, maintain, and iustifie his said bill of complaynt, into this honorable Court exhibited, and euery matter and thing therein conteyned, to be certeine, true, and sufficient in the Law to be answered vnto by the said defendant, And not deuysed and exhibited into this honorable Court of anie malyce or euill will, but vpon iust cause conceyed agaynst the said defendant, as the sayd defendant in hys answere vntruelie hath alleaged. And for further replication saith, that the said H. E. late father of this

The Replication of [illegible] to [illegible] deft Answer.

Repliant, was lawfully seised to him and to his heires, according to the custome of the said manor of W. of the said tenements and other things in the said bill mencioned, by good and lawfull conuayance and assurance in the law, according to the custome of the said manor: And did conuay, assure, and surrender the said customarie tenements & premisses to the vse of the said Repliant and of his heires, and the said complaynant did pay his fine therefore, and was lawfully admitted tenant therof, as he the said complaynant in his said bill verie truely pretendeth. And also he saith, that the euidences and copies, of, and concerning the said tenements and premisses, are comen to the hends of the said defendant, and that by colour therof the said defendant hath wrongfully entred into the said mesuage, tenements and premisses, and hath conuayed to himselfe and to others to his vse, diuers and sundry secret estates therein, as in his said bill of complaint is also most truely declared: And that the said complaynant hath oftentimes sought and requested to haue the said writings, copies, and euidences at the handes of the said defendant: And also that he would yeld vnto him the quiet possession of the said mesuage and premisses. And also that the said defendant hath and still doth commit, & continue daily committing great and outragious wasts and spoyles, in decaying of the houses, and felling downe of the woodes and tymber trées of the premisses, to the losse and disherison of him this complaynant, as in the said bill of complaint is truely alleaged: And without that, that any other matter or thing contayned in the said answere materiall or effectuall to be replied vnto, and not herein sufficiently confessed or auoyded, trauersed or denyed, is true. All which this Complaynant is readie to auerre and proue, as this honorable Court shall awarde. And prayeth as he before in his said bill of complaint hath prayed.

Sect'

SECTIO. 80.

¶ *A Bill to ſtey ſuite at the common law vpon an obligation, becauſe the money is ſatisfied in diuers paiments and reckonings.*

A Lo moſt humble wiſe complaining, ſheweth to your good Lordſhip Fr. M. That whereas one H.B. of D. in the Countie of D. Eſquier, now deceaſed, hauing many daughters to aduaunce, which were then but of tender yeares, did about one & twentie yeres now laſt paſt, make his laſt will and teſtament in writing, and by the ſame did giue and deuiſe amongſt diuers and ſundry other legacies amounting to a very great value, the ſumme of one hundred pounds to A. one of his daughters, and of his ſaid laſt will and teſtament did nominate, conſtitute, and appoint your ſaid Orator, and one G.R. Eſquier, beeing his neere kinſeman, and aſſured good frend his executors: but alſo did commit the gouernment and education of his ſaid Children vnto them, and after died. By and after whoſe deceaſe, and before the probate of the ſaid laſt will, and teſtament, the ſaid R. died: by reaſon whereof your ſaid Orator alone proued the ſaid wil, and toke vpon him the execution of the ſame, and afterward, one I.W. being a man very baſely borne, & of very litle credite, did without ỹ priuity, conſent, or good liking of your ſaid orator, or of any other to whom the ſaid H. B. had committed the gouernment and education of his ſaid children, contract himſelfe with the ſaid Anne, and with hir did marie. After which marriage, albeit your ſaid Oratour greatly miſlyked therewith, and that the ſaid H. B. had bequeathed vnto the ſaid Anne, but the ſumme of one hundred pounds, yet your ſaid orator in reſpect of the neere aliãce betweene him and the ſaid children, and to the end they ſhould liue in the better credite, and accompt was amongſt the reſt contented to beſtowe on the ſaid Anne one hundred pounds.

poundes moze then hir ſaid father bequeathed vnto hir: & thereupon at ỳ ſpeciall requeſt & earneſt ſuit of the ſaid I. W. and the ſaid Anne, then being his wife, and foz their better credit, aduaunceũt and pzefermẽt, did not only pze-ſently pay and deliuer to the ſaid I. W. in ready money the ſumme of 50. poundes, parcell of the ſaid ſumme of one hundzed poundes ſo bequeathed to the ſaid A. his wife, as is afozeſaid, but alſo became bound vnto the ſaid I. W. in the ſumme of an hundzed poundes foz the paiment of fifty poundes moze at certain times in the condition of the ſaid Obligation mencioned, which amounted to the full ſumme of one hundzed poundes, ſo bequeathed as is afoze-ſaid to the ſaid Anne. And then alſo became bound vnto ỳ ſaid I. W. in one other bond, in the ſumme of two hun-dzed poundes, foz the paiment of one hundred poundes, at certaine times in the cõdition of the ſaid obligation limit-ted, which your ſaid ozatoz of his owne liberalitie, and foz the aduauncement of the afozeſaid Anne, gaue vnto hir fithence, which bondes ſo made, the ſaid I. W. ha-uing had many occaſions to vſe money, hath now made meanes to your ſaid Dzatoz to relæue his neceſſitie ther-in, befoze ſuch time as the ſame ſummes oz any of them grew due vnto him, to be paied by the ſaid ſeuerall Ob-ligations, by reaſon whereof your ſaid Dzatoz about the firſt day of Julie, in the two and thirtieth yeare of the Quænes Maieſties raigne that now is, paied and deliue-red vnto the ſaid I. W. the ſumme of fiftie pounds moze in part of paiment and ſatiſfaction of the ſaid ſumme of one hundzed and fiftie pounds growing by the ſaid 2. ſeuerall obligations, wherein your ſaid ozatoz ſtandeth ſo bound, as is afozeſaid: & your ſaid ozatoz like wiſe paid & deliuered vnto the ſaid I. W. at ſuch times as the ſaid I. W. hath de-maunded ỳ ſame diuers ſeuerall ſummes of money, amoũ-ting in ỳ whole to ỳ ſuñ of 21. li. 8. s. which ỳ ſaid I. W. hath accepted in pt of paiment of the ſaid ſumme of 150.

poundes,

poundes, and which the said I. W. knoweth to bee true, and also your said Orator hath paied by the handes of F. B. to the said I. W. and in discharge of some debts due by the said I. W. and by his appointment at seuerall times the sume of lxx.li.vj.s.viij.d. which the said I. W. hath also
A accepted in part of paiment of the said sume, of one hundred & fifty pounds, which said seuerall sumes the said I. W. hath from time to time accepted, as in part of paiment, and discharge of the said summe of 150.li. And your said Orator also standeth bound for the onely debt and dutie of the said I. W. for the paiment of xx.li. more vnto I. P. Esquire, which your said Orator alwaies hath bin, and yet is readie to pay for the said I. W. when he shalbe thereunto required, so that your said Orator, hath in the whole paide and satisfied vnto the said I. W. and in discharge of the debts of the said I. W. the ful summe of one hundreth, fowerscore and eight pounds, and more which is more then your said Orator neded to haue paied vnto him as any money due vnto the said Anne, wife of the said I. W. for the said I. W. doth verie well knowe, that the sayd H. B. did not deuise or bequeath any more vnto the said Anne, then the summe of one hundreth pounds. And doth also verie well knowe, that he hath diuerse and sundrie times, vpon the receipt and payment of the said seuerall summes, not onely confessed the receipt of the same, but also faithfully promised vnto your said Orator, that he would cancell and deface the said Obligations, yet notwithstanding, so it is, if it may please your good Lordshippe, that albeit the saide I. W. doth verie well know, that your sayd Orator hath fully satisfyed and paide vnto him the sayde summe of one hundreth poundes, bequeathed by the sayde H. B. vnto the sayde Anne, and hath also fullie satisfyed and payed vnto him, fowerscore and eight poundes, and more, parcell of the sayd hundreth poundes, which your sayd Orator gaue vnto the sayd Anne, of his owne frē

libera-

libertie, and for the aduancement of the said A and that the said Obligations, viz. one of one hundreth poundes, for the paiment of fiftie pounds, and one other Obligation of two hundred poundes, for the paiement of one hundred pounds, which your said orator became bound in, vnto the said I. W. were for the selfe same debts, which your said orator hath at such seuerall paiments, as is aforesaid, payd vnto him in discharge, and in part of satisfaction of the said seuerall Obligations, ought in all right, equitie, and good conscience, to be cancelled and defaced, vpon the paiment of the residue of the said summes which is behind, & which your said orator is readie to pay, yet he the said I. W. hauing a verie greedy, and couetous disposition to enriche himselfe, albeit he doth verie well knowe the said seuerall Obligations, to be in effect fully satisfied and discharged, as is aforesaid, and that he hath not at any time beene, any thing dampnified by the forbearing of the said seuerall summes, yet hath he nowe lately commenced sute vpon one of the said Obligations, in her Maiesties Court of Kinges Benche, and vpon the other Obligation in her Maiesties Court of common Pleas, meaning to take the whole forfaiture of the said seuerall Obligations against your said orator, in that your said orator did not in trueth alwaies, paye vnto him the said seuerall summes, according to the condition of the said Obligations, but did alwaies pay the same at such times as the said I. W. had occasion to vse it, and as he did at any time demaunde it, and doth with all the expedition he can, and with the most hardnes that he may vse, seeke to recouer ỹ penalties of the said seuerall Obligations against your said orator, contrarie to all right, equitie, and good conscience, and to the great hurt and hinderance of your said orator. And albeit your said orator hath diuerse and sundry times earnestly required of the said I. W. not onely to cancell and deface the said Obligations, vpon the payment of the residue,

but

and surceasse his said seuerall suites commenced vpon the same, yet that, or any of them to doe he hath denied and refused, and still doth denie and refuse, contrarie to all right, equitie, and good conscience: In consideration whereof, and for asmuch as your said Orator hath no good matter to plead in barre of the said seuerall Actions by course of the common Lawes, in that, albeit he hath in truth paied and satisfied the said seuerall summes, in such sort as the said I. W. held himselfe contented therewith, yet can he not make any proofe of the payment of the same, according to the condicions of the said seuerall Obligations: And for that also the said I. W. hath not in anie sort him daunnified by the forbearing of the said summes of money, or anie part therof, and yet if he had, forasmuch as your said Orator hath fully paied vnto him fower score and eight pounds more then he need to haue paied, and that of his owne liberalitie, there is now no reason why he should seeke by rigor of law to take the forfeiture of the said seuerall Obligations, albeit it were true that the same were not fully satisfied and discharged, in such sort as they ought to be: May it therfore please your good Lordship, to graunt vnto your said Orator the Quenes Maiesties most gracious seuerall writs of Subpena and Iniunction to be directed to the said I. W. not onlie straighly charging and commaunding him by the same at a certaine day, and vnder a certaine paine therin to be contained and limitted, personally to appeare before your good Lordship in the Quenes Maiesties most high Court of Chauncerie, then and there to answere to the premisses, but also iniopning him by the same, his Counsellors, Attorneys, and Solicitors, to stay and surceasse the said seuerall suites, and no further to proceede in the same, vntill other order shall be therein taken by your good Lordship. And your said Orator shall pray for your good Lordship in honor long to indure.

Sect. 81.

SECTIO 81.

A Bill for detaining of a Lease for yeares

¶ A Bill for the detaining of a Lease for yeares, and taking the profites of the landes leased, and secrete taking of a Cow distreined, and impounded by the plaintife out of the pound, and charging him with the estoyning of the same cow.

HUmblie complaining, sheweth to your good Lordship, your daily orator N. C. of H. in the county of D. Gentleman. That whereas one T. E. of H. aforesaid gentleman, was lawfully seazed in his demesne, as of fee, of, & in diuers and sundry lands, tenements, hereditaments, with the appurtenances, set, lying, and being in H. aforesaid, And he so being thereof seised about the twentith day of May, in the xxvij. yere of the raigne of our soueraigne Ladie the Queenes Maiestie that now is, at H. aforesaid, for and in consideration of a certeine summe of money to him by the said N. C. well and truely contented and payd, and by Indenture of lease, the certein date whereof your said orator knoweth not, for that he hath not the said Indenture, did demise, graunt, set, and to farme let the same vnto the said N. and his assignes, for and during the full ende and terme of two yeres then next following. By force whereof, your said orator was thereof lawfully possessed, vntil about the xvij. yere of the raigne of the Queens Maiestie that now is, R. B. W. G. N. T. R. W. W. F. W. E. and K. his wife by casuall meanes hauing obteyned and gotten into their hands, or into the hands of some of them, the said Indentures, confederating them selues together of purpose, to wrong your said Orator, and to expell and put him from his lawfull and quiet possession of the premisses, or the greatest part thereof, entred into one parcell

cell of the premisses called B. fieldes, beeing then sowed with Oates by your said Orator, and at the same time put in one Cow and Heyfer, verie maliciously to depasture and eate the graine and corne of your said Orator therin then growing, which said Cowe and Heyfer, was, and remayned there depasturing, eating, and treading downe the said graine and corne, vntill your said Orator tooke and distrayned the said Cow & Heyfer for dammage there doing, and impounded the said Cow and Heyfer in a pound ouert, at H. aforesaid, as lawfull was for hym to doe, shortlie after which impounding of the said Cow & Heyfer, that is to say: vpon the twelfe day of Sept. the said R. W. W. F. W. E. and B. his wyfe repaired vnto the dwelling house of your said Orator at H. aforesaid, and then and there requyred your said Orator to delyuer the said Cow and Heyfer forth of the said Pound, affirming that they were sent thyther to that intent and purpose by the said R. B. W. G. and N. T. which to do, your said Orator refused, as lawfull was for hym to doe, because the said W. F. E. and B. his wife, nor anie of them, did then and there tender vnto your sayd Orator, anie amendes or satisfaction for, or towardes the said trespas: But so it is if it may please your good Lordshyp, that about a leuen or twelue of the clocke in the night of the said twelfe day of Sept. the said Cowe and Heyfer was conueyed forth of the said Pound, (the doore or gate of the said pound being fast locked) by the said R. B. W. G. N. T. R. W. W. F. W. E. and B. his wife, or some of them, as your said Orator verilie thinketh, and is perswaded in conscience, sithence which time, the said B. G. and T. haue most falsely and vnconscionably charged, and still charge your said Orator for the eslayning and conueying away of the said Cow & Heyfer, and haue thereupon not onelie commenced suite agaynst your sayd Orator

at:

at the common Lawe, but also by colour of hauing the said Indenture, haue made and contrined vnto themselues, or some of them, or to some other persons to their, or some of their vses, sundrie secrete estates of the premisses, and doe yet most wrongfullie detayne, and withhould the possession of a great part of the premisses from your said Orator, to his great hurt and impouerishment: And for as much as your said Orator hath not any ordinarie remedie by the due course of the common lawes of this Realme, for the recouerie of the said Indentures, for that he knoweth not the certaine date or contents thereof, nor wherein the summe is conteined: And so thereby not only doeth like to lose his lawfull and rightfull possession of, in, and to the premisses, but also standeth in great daunger to lose great damages for the supposed cloyning of the said Coule, and Heyser, vnlesse it please God, as your said Orator hopeth it will, to moue the harts of the said B.G.E.W. F.E. and L. his wife, vpon their answeres an othes in this honourable Court, to discouer and disclose the truth of their euill dealing, and disorder in breaking of the said pounde, and taking forth of the sayde Colue and Heyfer, conueying them to vnknowen places of purpose, to charge your said Orator therewith. And forasmuch, as they haue denyed, and refused, and yet do refuse and denie, either to permit or suffer your said Orator quietly to haue and take the issues and profittes of the said premisses, or to deliuer vnto him the said Indenture of lease, although he hath oftentimes most gentlie and friendlie required and desired them so to doe: It may therefore please your good Lordship &c. As before is said in Sectio 80.

The Answere

SECTIO. 80.

¶ *The Answere of the same Bill.*

THe said defendants say, and either of them for himselfe severally sayeth, that the said bill of complaint is verie uncertaine, untrue, and insufficient in the Law to be answered unto by these defendants, or any of them for diuers apparant faults and imperfections therein contained, and the same verie friuelous, as these def. thinke for sundry causes, and namly, for that, that it is therby supposed, that they and others by reason of hauing the custody of the said supposed Indenture, or lease pretended to be made by the said T. E. in the said bill named to the said complainant of the said Demesne lands of the Highlow aforesaid, for two yeres now ended, if any such were, haue, made, or contriued unto themselues, or to some other persons, and to their uses, sundry secrete estates of the premisses, where if any such estates had bene made, they be alreadie determined. And the said defendants further say, that as they verely thinke by the scope of the said bill containing in it selfe, much like matter set out with many wordes, and in effect no matter worthie to be examined in this honorable Court, the same bill is deuised and exhibited into this honourable Court, of mere malice, and euill will, to the intent to molest and trouble these defendants, and others in the same bill named, being quiet poore men, dwelling almost seuenscore miles from the citie of W. with long and tedious iourneis to make their personall apparance in this honorable Court, to answere the said friuolous and untrue bill without any good or iust cause so to do. Thaduantage of exception to the manifest incertaintie, and insufficiency of which untrue bill of complaint to these defendants, and either of them saued, for answere thereunto, they and eyther of them for himselfe severally sayeth, that they thinke it to be true, that the said T. E. of H. in the said bil named, was lawfully seised in his demesne, as of fee, or fee taile, of,

and in diuers lands, tenements, and hereditaments, with thappurtenances, set, lying, and being in H. aforesaid, and that he being thereof so seised about two yeres now last past, did demise, graunt, set and to farme let, the same vnto the complainant for two yeres, as it is in the said bill alleaged, without that, that these defendants of purpose to expel the said complainant from his lawfull possession of the premisses, or the greatest part thereof, entred into the said percel of the premisses being sowen with oates by the said complainant, or at the same time put in one Cow, and one heifer, verie maliciously to depasture & eate the graine and corne of the said complainant growing therein. Or that the said cow and heifer to these defendãts knowledg, remained there depasturing, eating, or treading down the said grain and corne, vntil the said complainant came and distrained the said cow and heifer, for damage their doing, and impounded the said cow and heifer in a pound ouert, at H. aforesaid to their knowledge, as in the said bill is verie vntruly alleaged. And without that, that shortly after the said impounding of the said cow and heifer, that is to say, the eleuenth day of S. the said R. W. W. F. W E. and B. his wife, by the knowledge of the said defendants, or either of them repaired vnto the said dwelling house of the said complainant, at H. aforesaid, and then and there required the said complainant to deliuer the said cow and heifer forth of the said pound, affirming that they were sent thither to that intent and purpose by these defendants, and the said N. L. in the said bill named, as in the said bill is vntruly alleaged. And without that, y to these defendants knowledge, there was any such cause that any amends should haue bin tendered vnto the said complainant, for or towards the said supposed trespas. Or that about eleuen or twelue of the Clocke in the night of the said eleuenth day of S. the said cow and heifer were conueied forth of the said pound by these defendants, or either of them, or that

these

these defendants or either of them, haue vnconscionably charged the said complainant for the ellowing and conueying away of the said cow and heifer, or thereupon commenced any suit against the said complainant at the common law, as in the said bill is verie vntruly alleaged, for they these defendants verily thinke that there was neuer any such cow and heifer, so as is aforesaid, distreined, and without that, that these defendants by colour of hauing of the said Indenture in the said bill mentioned, haue made and conueied vnto themselues, or to any other person or persons to their vses, any secrete estate of the premisses, or any part therof, or do wrongfully deteine and withhould the possession of a great or ame part of the premisses, from the said complainant as in the said bill of complaint it is likewise vntruely alleaged. And without that, that these defendants or either of them, haue denyed and refused, or yet do deny or refuse, either to permit or suffer the said complainant, quietly to haue and take the issues and profits of the premisses, or to deliuer vnto him ẏ said supposed Indenture or leale, as in the said bill is vntruely surmised, for these defendants say, that to their knowledge, they neuer saw, nor heard read any such Indenture or Leale. And without that, that any other matter, thinge or things &c.

SECTIO. 82.

¶ *A Bill to be releeued for Obligations made for Simanie.*

A I M moste humble wise complaining sheweth vnto your honorable Lordship, your dailie Orator W. C. parson of L. in the county of Y. That whereas about v. yeres now last past, W. by the permission of God now, Bishop of L. and C. was lawfully seised of thadowson of the vicarage of D. in the Countie of D. as of one in grosse, by it selfe, as of fee in Right of his B. aforesaid, and vnto the same

Simony.

Vicarage being vacant, did present your said Oratour his Clerke, who was afterwards admitted, instituted and inducted into the same accordingly, which vicarage afterwards by resignation into the hands of the said B. to present againe to the same, as the verie true patron thereof became void. And afterwardes your said orator became an humble suitor vnto the said B. in the behalfe of one R.W. Clarke, that it shoulde please him to present the same R.W. to the said Vicarage, which after long suit, it being first agreed betweene your said orator, and one C. D. with the knowledge and consent of the said B. that your said orator in respect of the said presentation and admission of the said R.w. that there should a certein summe of money, amounting as your said orator thinketh to the summe of thirtie pounds, to be paid at certeine daies, then betweene them agreed vpon, for the payment thereof, and that for true paiment of the said summe at the said daies, your orator should become bounden vnto the said C.D. by seuerall Obligations, whereupon afterwardes, that is to say, the twentith day of J. which was in the eight and twentith yere of the raigne of the Queens most excellent Maiestie, that now is, your said orator for the onely consideration aforesaid, and for the onely benefit of the said R.W. aforesaid, became bounden vnto the said C. D. in fower or fiue seuerall obligations, videlicet, by some Obligations in ỹ sume of twentie pounds, or thereabouts, for the paiment of tenne poundes, and in some other, in other summes for payment of fiue poundes, or thereabouts, at the sayde daies, & times, betweén them so as is aforesaid agréed vpon, and therupon the said R W. & for the said consideration was instituted, & inducted into the said vicarage accordingly, which bōds were so made by your said orator in hope, & vpon the faithful promise of the said R.w. would haue paid and discharged the said seuerall summes of mony at the said daies, according to ỹ seueral cōditions of the said

obliga-

obligations, but now, so it is, that if it may please your honourable Lordship, that the said R. W. though often times by your said Orator required, hath not paied the said seuerall summes of money, nor any of them vnto the said C. D. according to the said seuerall Obligations, & according to the said agreement, and his said promise in that behalfe made, as is aforesaid, by meanes whereof the said Obligations, or the most part of them bin forfeyted, and your Orator already therupon impleaded in her Maiesties Court, called the Kings Bench, and by reason of the said Obligations or some of them, verie like spedily to be condemned thereupon, if by your L. gratious meanes, he be not spedily relieued, the which said practises are much against all right, equitie, and good conscience, and to the great damage, losse, and hinderance of your said Orator. In tender consideration whereof, and for so much as the said promise of R. W. and the sayed agreement for the payement of the said seuerall summes of money, being matters of corruption, and vnlawful simony weare so closely and secretely wrought and contriued amongst them, that your said Orator is not able to make any such due proofe thereof, as the strict course of the common Lawes of the Realme, in this behalf requireth, and so your L. said Orator is vtterly without remedy by the common lawes to auoid the said bond, or to make proofe of the said assumption, and promise of the said R. W. though the same be so well knowne vnto the said Bishop, and the said C. D. his factor, procurator, for such contracts of simonie, and also to the said R. W. that your Orator verily thinketh they wil vpon their answeres hereunto in this honorable Court, vpon their corporal othes, if they be not altogether blinded with extreme couetousnes, confesse the truth to be, as is aboue said, It may therefore please your honorable Lordship, to graunt vnto your said orator, her Maiesties most gratious writ of Subpena, to be directed vnto the said W. B. and vnto the

ſaid C.D. and R.W. thereby commanding them and euerie of them, at a certain day, & vnder a certaine paun therin to be limitted by your Lordſhip, to be, and perſonally to appeare before your honorable Lordſhip, in her Maieſties moſt high Court of Chauncerie, and then and there to aunſwere vnto the premiſſes, and to abide ſuch further order and direction therein, as to your honourable Lordſhippe ſhall ſeeme to ſtand with right, equitie, and good conſcience, and alſo to graunt vnto your ſaid orator, her Maieſties moſt gratious writ of Iniunction, to be directed vnto the ſaid C.D. thereby commaunding and inioyning him, and all his Counſailers, Soliciters, and Attorneis, to ſtay his ſaid ſuites and proceedings, againſt your ſaid orator, at, and by the common Lawes, vntill the premiſſes ſhall be heard and determined, or otherwiſe ordered in this honourable Court, and your ſaid orator ſhall dailie pray vnto almightie God for the preſeruation of your honourable Lordſhippe in good health long to contynue.

SECTIO. 83.

Nota.

¶ *A bill for Boording.*

2 Boardings

HVmblie complaining ſheweth vnto your Lordſhippe, your dailie orator F.W. of B. in the Countie of L. Gentleman, That whereas about fower or fiue yeres ſince one E.C. then the Widowe of B.C. and nowe wife to R.H. of N. in the Countie of L. Yeoman, verie earneſtlie and inſtantlie required of your ſaid orator not onely for her ſelfe and her ſonne to be troubled or boarded at the houſe of the ſaid complainant, but alſo haue houſe rome for continuall abode and lodging with him likewiſe, promiſing liberally and fully to recompence both the A

the coſte and trouble which your ſaid Orator, or his houſe-hould ſhoulde ſuſteine therein, vpon hope of which promiſe and agrément, your ſaid Orator did to the full requeſt and ſatiſfaction of the ſaid E. table, and lodge the ſaid E. and her ſonne being of the age of ſeuen yeares, or there abouts, during her widowhod, by the ſpace of two yeres at the leaſt, ended about the Annunciation of the Virgin M. in the twentith yere of the Quéns Maieſties raigne, about which time the ſaid E. toke to huſbande the ſaid R. H. after which mariage vpon like promiſe and agréement with the ſayd R. your ſaid Orator did likewiſe borde or table, and lodge in his houſe the ſaid R. and E. & her ſonne, & a ſeruant by the ſpace of one whole yeare and a halfe ended about May day laſt paſt, during which time alſo the ſaid R. put your ſaid Orator to great charge and trouble, with diuerſe horſe aſwell kept in the houſes of your ſaid Orator, and at his coſte, as alſo abroade in his cloſes and paſtures, notwithſtanding all which coſtes, troubles, and charges of your ſaid Orator. Nowe ſoit is, if it may pleaſe your Lordſhippe, that the ſaid R. and E. being departed from the houſe of your ſaid Orator, craftelie, deceiptfully, and vnconſcionably, refuſe vtterly and denie to giue anie recompence or conſideration to your ſaid Orator for their meate, drinke, lodging, or their charges, contrarie to all humanitie, equitie, and right. In tender conſideration hereof, and for that your ſaide Orator, is without all helpe, by the ſtricte order and courſe at the common Law, for that for the ſaid tabling, lodging and charges, there was no certeine time, nor no certeine ſumme of money agréed vpon, amongeſt the ſaid parties, nor promiſed by the ſaid R. and E. and that alſo the ſaide agréement was betwéne themſelues onely, without any witneſſe, May it pleaſe your Lordſhippe to graunt vnto your ſaid Orator the Quéns maieſties writ of

Subpena to be directed to the said R. and E. and your said Orator shal daily pray for your good Lordship &c.

SECTIO 84.

¶ *A Demurrer for double vexation.*

A Demurrer

The demurrer of R. and W. defendants to the bill of G.W complainant.

THe said defendant by protestation, not confessing or acknowledging any thing in the said bill alleaged, materiall against this defendant to charge him to be true, but rather deuised and set forth, onely of purpose to put this defendant to wrongful veration, costs, charges, and expences in the law, for that before this time, that is to say, about the terme of Easter, in the fiue and twenteth yere of the raigne of our Soueraigne Lady the Quéenes Maiestie, that now is, the said complainant vnto this honorable Court of Chauncery, exhibited against this defendant, a Bill conteining in effect, the same matter which is alleaged in the bill now exhibited, differing onely in forme, but nothing in substance, sauing by adding some fiue acres, as the number of fower or fiue, as estimating one close in this bill at fower acres in the former estimated but at two, or thereabouts, and an other close in this bil now exhibited, at thrée acres, in the former estimated at two or thereabouts, and putting some acres to some other closes, the which before were set downe without limitation or naming of any acres at all, being the selfe same closes and messuage in the former bill expressed, vsed, and occupyed by the same title and name, and the same number of acres, now put in more of purpose, to giue the same complainant some colour to exhibite this bill, as though it were a new matter although in déede it be nothing so, To which former bil this defendant answered, and therto the said complainant replied, & this defendant reioined and so discended to Cõmission, wherein this defendant ioined with the said com- A

complainant, and named commiſſioners for himſelfe, as the ſaid complainant named others for himſelfe, and this defendant then bare halfe the charges of the ſame Commiſſion, as in ſuch caſes is vſed. And when the time came, that the ſame commiſſion was to be ſitten on, the ſaid complainant foreſlowed the ſame, neither gaue any warning to this defendant, nor laboured his owne commiſſioners, that this defendant, euer heard of, to meete for the execution of the ſame, but ſuffered the ſame to ſtay by the ſpace of fiue or ſixe termes, or theraboutes, as this defendant remembreth: whereuppon this defendant for his owne expedition at his owne coſtes and charges, procured a commiſſion for examination of witneſſes in that matter directed to the ſelfe ſame commiſſioners, that the former commiſſion was, and gaue notice thereof to the ſaid complainants, and to one of his commiſſioners, who agréed to méet at the day and place appointed, where this defendant was preſent with his commiſſioners and witneſſes, and one of the ſaid complainants commiſſioners was in the towne where the place was appointed the ſame day and time readie to haue executed the ſaid commiſſion, if the ſaid complainant would haue ſpoken to him therefore, as this defendant was credibly informed, and the ſaid complainant was there preſent at the ſame time and place, and did, or might haue ſpoken with him that was named commiſſioner, for him who had a dwelling houſe in the ſame Towne, being the Towne of M. in the ſame Countie: and then and there the deponents, vppon this defendãts behalfe were ſworne and examined by & before theſe defendants then commiſſioners, and ſome of them ſworne in the preſence of the ſaid complainant, And therevpon the depoſitions and examinations of the witneſſes ſo ſworne, were by theſe defendants, then commiſſioners, cauſed to be ingroſſed in parchment, and certified into this honorable court, and afterwards publiſhed, and after publication

lication this defendant stayed without doing any thing, where in by the space of two termes or thereabouts, during which time the said compl', did or said nothing at all in the said court touching the said suite, that this defendāt neuer heard of. And then this defendant caused the said depositions to be exemplified vnder the great seale of C. to his great charges which he hath readie to shew to this honorable Court. And the said complainant being not contented with these causeles verations of this defendant: Anone after that this complainant had obteined the said commission, the said complainant for this defendants further veration, commenced suite against this defendant in the ecclesiasticall court of the Archb. of Yorke, within whose dioces the same lands and tenements in N. in the bill mencioned be, and where the said father of this complainant and defendant died, vpon surmised matters, touching the supposed will mencioned in the said bil, wherupon this defendant to his great charges appeared and answered as behoued for the time, by himselfe & his procter as is there vsuall, which suit the said complainant relinquished also as this defēdāt thinketh, for he hath heard nothing therof these twelue moneths and more. And now the said complainant meaning nothing else but this defendantes trouble and molestation, hath renewed the said suite in this honorable court againe, which before he had in the same court by the said first bill, conteining the same matters in effect, and almost word for word as in ẏ same bill is mentioned, whereunto this defendant hath already answered, as appeareth by the same answere remaining of record here in this court, and the same procēded vpon both, as afore is said: wherefore this defendant for the causes aforesaid, and for the said double veration in this honorable court by two billes conteining in effect but one matter in substance, demurreth in law and prayeth that he this defendant may be dismissed out of this honorable

rable court, with his reasonable costes and charges in this suite wronfullie susteined.

SECTIO. 85.

¶ *A Bill for not surrendring a lease made by the Plaintife to the defendant in trust, to trie a title, and for occupying, & wasting the tenth dimised, and for deteming of writings of copyhold lands, contrary to their agreement.*

A HUmbly cōplaining, sheweth vnto your H. Lordship your daily orator I K. of W. in ẏ coūty of Y. yeomā ẏ wheras about 40. yeares now last past, one W. M. yeomā, was lawfully seazed in his demesne, as of fee, of, & in one messuage, wͤ thapurtenāces in E. in the county of M. & of, & in diuers lands, tenemͤts, medowes, pastures, & hereditamͤts thereunto belonging, being freehold land in E. aforesaid, & H. in ẏ said coūty of N. & he being ther of such estate so seazed about the 1. year of ẏ raigne of ẏ Q. maiesty that now is, by his last wil & testamͤt in writing made, & written in ẏ life time of the said W. M. did giue & bequeath ẏ same to one E. then his wife, & now wife vnto your said orat, for ẏ time of hir natural life, ẏ remainder thereof after hir decease to one R. M. as by ẏ said will appeareth, and afterward the said W. M. died of such his estate thereof, so as is aforesaid seazed, by force of which wil & deuise, ẏ said E. by & after his death, entred into ẏ said messuage or tenͤts, and was therof lawfully seased in her demesne as of freehold, for ẏ terme of her life, ẏ remaind therof after hir decease to ẏ said R. M. in form aforesaid belonging: & also wheras ẏ said W. M. was in his life also seazed of or in certaine copihold, or customary lands, lying & being within ẏ manor of S. in ẏ said coūty of N. & holdē of ẏ said manor by copy of ẏ court rolles of ẏ same manor in his demesne, as of fee, according to the custome of the said Manor, and he being thereof so seazed, by and after whose death, the said E.

his

his wife was endowed of the third part of the ſaid copy-hold or cuſtomarie lands and tenements, and according to the cuſtome of the the ſaid manor, admitted thereof tent by the ſteward of the court of the ſaid manor accordingly, by force whereof ſhe likewiſe entred into the third part of the ſaid cuſtomarie tenements and premiſſes, and was thereof likewiſe ſeyſed in hir demeſne as of freehold as tenant in dower thereof for the terme of hir life natural, according to the ſaid cuſtome, and quietly and peacebly accoccupied and enioyed the ſame vntil about ten yeares now laſt paſt. Now that your ſaid orator through importunacie and earneſt perſwaſions of ſome friends of ỳ ſaid I. T. & A. L. was cõtented in ſome maner to yeld vnto their ſuit, & thereupon, for the furtherance and triall of the title and intereſt of the ſaid I. T. about the fourteenth day of I. in the 26 yeare, of the K. maieſties raigne ỳ now, is without any fine, income, or other conſideration to him paid, but giuing credite vnto the ſpeeches of the ſaid I. T. and A. L. that they would ſeeke nothing at the hands of him your ſaid Orator, but onely vſe the benefite of his preſent eſtate, for the reſiſting of certaine vnlawfull ſuites, and attempts which were then offered (as they then affirmed by the ſaid K. and others) did by this your ſaid Orators Indenture of leaſe, bearing date about the ſaid time demiſe graunt, and to farme let, to the ſaid I. T. and A. L. all the ſaid freehold lands, tenements, and hereditaments, with the appurtenances in E. and H. aforeſaid, to haue and to hold the ſaid tenements and premiſſes, with the appurtenances to the ſaid I. T. and A. L. their executors and aſſignes, from the feaſt of Saint M. the Biſhop in Winter laſt paſt, before the date of the ſaid Indenture vnto the full end and terme of 21. yeares thence next following, and fullie to be complete and ended, if the ſaid E. did ſo long liue, yeelding and paying therefore yearly during the ſaid terme of 21, yeares vnto your ſaid Orator,

his

his executors, administrators, and assignes, twenty shillings of lawfull English money, at the feastes of Pentecost, and Saint Martin the Bishop in Winter by euen portions, as by the same Indenture more at large appeareth: by vertue and pretence of which demise, the said I. T. and A. L. into all the said tenements and premisses with the appurtenances about the same time entred, and were therof possessed, and euer since their entrie haue quietly and peaceably occupied and enioyed the said demised tenements, and premisses, and the rents, issues and profits thereof arising and comming haue quietly, and peaceably taken and conuerted to their owne only vse, which rents, issues, and profites of the premisses, euer since ỹ making of the said leases, which is by the space of ten yeares now last past, haue bin yearely worth foure pounds at the least, ouer and aboue all charges and reprises. And in truth at the tyme of the making of the same lease, it was fully concluded, and agreed, by and betweene your said Orator the said I. T. and the said A. L. and the said I. T. and A. L. in consideratiõ of the making of the said lease to them by your said Orator in maner and forme aforesaid, and for the causes aforesaid, promised, that the said lease, and their said estate thereby made, should be surrendred and yelded vp vnto your said Oratour, when either the said suits were ended betweene the said R. and them, or either of them, or when they by vertue of the said lease had enioyed the same demised tenements and premisses by the space of one whole yeare, for then the same lease was so as is aforesaid, made onely for the defence and triall of the said estate, right and title of the said I. T. and A. L. of, & in the same tenements and premisses, and not to thintent that they, or either of them should by reason of the same Indenture according to the purport and tenor thereof, for the terme of 21. yeares haue and enioy the same, for so smale a rent, which neuertheless they haue done, & yet

doe

doe so occupy and enioy the same, contrary to their said faithful promise & agreement, as is afore said therof made: & yet not contenting themselues wth the said occupatiō of ye said tents, &c. do not only deny & refuse to yeld vnto your said orator either ye said yearly rent reserued vpon ye said lease, or any other consideration for ye occupying of the same, & vtterly deny to yeld vnto your said orator any rent or consideration for ye same, being so as afore said, behinde by the space of x. years: but also do vtterly deny to yeld vp vnto your said orator their said estate and terme of years, yet to come, of, & in ye said demised tents & premisses according to their faithful promisses & agreemēt, so as is afore said made, & further since their said entrie into ye said tents & premisses, they the said I. M. & A. L. or thone of thē haue |razed or defaced al or pt of ye houses, edifices, & buildings, which at ye time of ye making of the same lease were standing & being vpon ye said demised tents & premisses, & the thacke, slate, timber, & stone therof, haue either giuen away or cōuerted ye same to their owne vses, wout ye consent of your said orator, to thintent that ye same tents might so be made vnmet for ye habitation of your said orator, & his said wife, wherby they might the rather enforce your said orator for want of the said buildings to yeld ye same vnto them, for litle or nothing, by reason of ye want of the said Indenture there being only one part therof made together, which wth such copies as concerne the said copyhold lands, are in the hands and possession of the said I M. & A. L. or of one of thē, or of some other ps̄ons by the deliuery of them, or of thone of them, the certaine number, dates, contents, & other certainties wherof your said orator knoweth not: & albeit ye your said orat hath diuers times in gentle maner required them the said I. M. & A. L. to deliuer vnto the said orator the said Indenture and copies, & to yeld vp and surrender vnto your orator their said interest, of, and in the said demised tenemēts & premisses, according to ye said agreemēt

and

and truſt, yet they ſo to do, haue euer hetherto refuſed and denied, and yet doe deny and refuſe to doe the ſame, and to yeld vp & ſurrender ỹ ſaid eſtate of, and in the ſaid premiſſes, according to the truſt in them repoſed, to repaire and reedify the ſaid tents & premiſſes ſo by thē razed, & pulled downe, as is aforeſaid, againſt all right, equity and good conſcience, and againſt all good and honeſt dealing, and to the impouerifhing, and vtter vndoing of your ſaid orator, and his ſaid wife, if ſpedie remedie be not in due time by your Honorable Lordſhip prouided for the repelling of their ſaid vnconſcionable purpoſes & attempts in the premiſſes. In tender conſideration whereof, and for ſo much as the ſaid Indenture, concluſion, promiſſes, & agreements, ſo as is aforeſaid, had and made, by, and betweene your ſaid orator and the ſaid I.L. & A.L. cōcerning the premiſſes, were ſecretly made and agreed vpon, by & betweene themſelues, & few witneſſes being priuie thereunto or preſent with them at the time of the making thereof, which might teſtify the ſame, and thoſe witneſſes (ſuch as they were) be now either dead, or vnto your ſaid orator vtterly vnknowē, being at the ſame time meere ſtraungers vnto your ſaid orator, and then brought thither by them the ſaid I.L. and A.L. as it ſeemed, of ſet purpoſe to circumuent and deceiue your ſaid orator, and his wife in the premiſſes, your ſaid orator then referring eſpeciall truſt and confidence to the ſaid I.L. and A.L. as perſons whom he tooke, & accompted to haue bin his very eſpeciall good frendes, and alſo very ſubſtantiall honeſt men, is vtterly without al remedy by the ſtrict courſe of the common lawes of this realme of England, to recouer either the poſſeſſion of the ſame tenements and premiſſes of the ſaid rents, they hauing his ſaid Indenture of leaſe as is aforeſaid, or to recouer the ſaid copies. It may therefore pleaſe your honorable Lordſhip ỹ premiſſes graciouſly

graciouſly conſidered to graunt vnto your ſaid Oratoꝛ, the M. Maieſties moſt gracious writ of Subpena out of hir Highnes court of Chauncerie, to be directed to the ſaid I.T. and A.L. and either of them thereby, commaunding them, and either of them at a certaine day, and vnder a certaine paine therein to be limitted, to be, and perſonaly to appeare beforе your Honoꝛable Loꝛdſhip, in the ſaid court of C. Then and there to anſwere vnto the premiſſes, and to ſtand to, and abide to ſuch further oꝛder and direction therein, as to your honoꝛable Loꝛdſhip ſhall ber thought to ſtand with right equitie, and good conſcience. And your ſaid Oꝛatoꝛ ſhall daily pꝛay vnto God foꝛ the pꝛeſeruation of your Honoꝛs pꝛoſperitie and good healty long to continue.

SECTIO 86.

¶ A Bill by an Adminiſtrator vppon a promiſe made vnto the inteſtate by the defendant, to pay vnto him certaine money in marriage of the defendants daughter with one of the inteſtats ſonnes.

COmpleining, ſheweth vnto your Honoꝛable Loꝛdſhip, A
G. Earle of S. adminiſtratoꝛ of the goods and chattals of the right honoꝛable G, Earle of S. deceaſed his late father, that whereas about ſeauen yeares now laſt paſt, there was certaine communication betweene the ſaid G. Earle of S. in his life time, and one W. R. of B. in the countie of N. Eſquier, of, foꝛ, and concerning a marriage then intended to be made betеene H. T, Eſquier, one of the ſonnes of the ſaid late Earle, and E. the onely daughter, and heire apparant of the ſaid W. R. And thereuppon it was fully concluded and agreed betweene the ſaid Earle, and the ſaid W. R. and either partie did mutually pꝛomiſe, and agree to and with ẏ other, ẏ the ſaid H. T.

and

and the said E. daughter of the said W. R. should marrie together, according to the Ecclesiasticall Lawes of this Realme of England, at a certain day by the said parties for that purpose agréed vpon & appointed. And for, and in consideration of the said mariage to be made, as is aforesaid, the said W. R. about the same time did assume, and to the said late Earle faithfully promise to pay and giue vnto the said late Earle 4000. li. of lawful English money, or there abouts, at certein daies likewise in that behalfe betwéene them agréed vpon, and now long sithence past, by reason of which agrément, promise, and assumption so made, as is aforesaid, the said H. T. did shortly after the said agrément, marrie and take to his wife the said daughter of the said W. R. And therupon the said W. R. did well and truely content and pay to the said late Earle the summe of 3000. li. parcel of the said summe of 4000. li. or there abouts. And shortly after and before he the said late Earle had receiued the residue of the said summe of 4000. li. he the said Earle dyed. Now so it is, if it may please your honorable Lordship, that the said W. R. not ignorant of the premisses, and nothing regarding his said agrément and faithfull promise and assumption, so as is aforesaid by him made, to, and with the said late Earle, but imagining and fraudulently intending, aswell the said late Earle in his life time, as your said Orator, being administrator of the goodes and chattels of the said late Earle since his death in this behalf falsly & deceiptfully to defraud & deceiue him of the summe of a 1000. li. at the least, parcell of the said summe of 4000. li. or there abouts, by him agréed & promised to be paied to the said late Earle, as is aforesaid in consideration of the said mariage, although he the said W. R. hath often times, aswell by the said late Earle in his life time, as by the now Earle since his death him curteously requyred to haue paied the said summe of 1000. pound, according to hys said agrément, promise, & assumption, yet that to do, hath he euer hitherto

denied and refused, and yet doth denie and refuse to do the same, contrarie to his said faithful promise and assumption, to the great losse and damage of the now Earle, and altogether against all right, equitie, & good conscience: Notwithstanding that the said late Earle, in respect of the said marriage, hath conueyed and assured vnto the said H. T. a good estate of inheritance, of diuers manors, landes, tenements, and hereditaments worth 3000. li. by the yeare, or there abouts, wherof the said R. his daughter is intituled to haue dower by the Law: In consideration wherof, and forsomuch as by reason of the great trust and confidence which the said late Earle did repose and put in him the said W. R. the said agreement, promise, and assumption, so as aforesaid betwéen them made, was so made secretlie and priuatelie betwéen themselues onlie, without calling any other person or persons vnto them to be witnesses thereof, which might testifie the same agréement, promise, and assumption, so that for want of witnesses to proue the said promyse and assumption, this Complainant hath no remedie to recouer the same summe of one thousand pound, by the due and strict course of the common Lawes of this Realme, nor otherwyse to recouer the said summe of one thousand pounde, if the said W. R. in his aunswere to the premisses vpon hys Oath in this honorable Court, shall not confesse the premisses to be true, as this complaynant verilie thinketh that he will: It may therefore please your honorable Lordship, the premisses considered, to graunt vnto this complaynant, the Quéenes Maiesties writt of Subpena, to be directed vnto the said W. R. thereby commaunding him at a certaine day, and vnder a certaine paine, therein by your good Lordship to be limitted, to be, and personally to appeare before your honorable Lordship, in her Maiesties high Court of Chauncerie, then and there to answere vnto the premisses, and to stand to, and abide such order and direction herein, as to your

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honorable Lordſhip ſhall ſéeme to ſtand with right, equitie, and good conſcience. And your ſaid Orator ſhall dailie pray vnto Almightie God &c.

SECTIO. 87.

¶ A Bill for entring into and detayning lands by coleur of hauing Euidence therof, and for contriuing ſecrete eſtates.

A I N moſt humble wiſe ſheweth and complayneth to your honorable Lordſhip, your daylie Orator T. G. of &c. That whereas one A. G. late of H. aforeſaid Eſq. deceaſed, about fiue yeares now laſt paſt was in his lyfe time lawfully ſeiſed in his demeſne as of fée, of, and in one parcell of meadow called the H. meadow, conteyning by eſtimation two acres, lying and being in H. in the ſaid Countie of &c. And the ſaid A. G ſo being of all and ſinguler the ſaid premiſſes ſeiſed, about fiue yeares now laſt paſſed of ſuch eſtate thereof dyed ſeiſed, By and after whoſe death, all and ſinguler the ſaid premiſſes diſcended and came, as the ſame of right ought to diſcend and come to your ſaid Orator, as brother and next heire to the ſaid A. G. whereupon your ſaid Orator immediatlie after the death of the ſaid A. G. entred into all and ſinguler the ſaid premiſſes, and was thereof lawfully ſeiſed in his demeſne as of fée, and the iſſues and profites of all and ſinguler the ſaid premiſſes, did receiue, perceiue, and take to hys owne vſe, as lawfull was for him to doe: But ſo it is right honorable Lord, that about thrée yeares now laſt paſt, all and ſinguler the deedes, euidences, muniments, terriers, and writinges, concerning the ſaid premiſſes, and of right belonging to to your ſaid Orator, by caſuall meanes are comen to the handes and cuſtodie of E. B. and W. E. who by coleur

of hauing the said dædes, euidences, muniments, terriers, and writinges in their hands, haue not onely wrongfully entred into all and singuler the said premisses, and expulsed & put out your said Orator, of, and from the same, but also haue contriued and made diuers and sundry feyned & secret estates of the said premisses, to diuers persons to your said Orator vnknowen, so that your said Orator knoweth not against whom to bring his action by the due order & course of the common Lawes of this Realme, for the recouerie of the said lands, meadowes, and premisses, to the manifest disinherison of your said Orator and his heires for euer, vnlesse your good Lo. accustomed fauor and spædie redresse be vnto him shewed in that behalfe, and for that your said Orator knoweth not the certain number of the said dæds, euidences, muniments, terriers, and writings, nor the true dates of them, nor wherein the same, nor any of them be conteyned, whether in box, bagge, or chist locked, sealed, or open, he is also without his remedie by the due order and course of the Common lawes of this Realme, for the recouerie of the said dædes, euidences, muniments, terriers, and writings, vnlesse your Lo. helpe and spædie remedie herein be to your said Orator extended: It may therefore please your honorable Lordship, the premisses considered, to grant vnto your said Orator, the M. Maiesties most gracious writt of Subpena, to be directed to the said E. B. and W. E. and either of them, commaunding them and either of them there by, at a certaine day, and vnder a certaine paine in the said writ to be limitted and appointed, personally to be and appeare, before your honorable Lo. in the M. high Court of Chauncerie, then and there to answere vnto the said premisses &c. And further to abide such order and direction therein, as to your good Lordship shall seme to stand with equitie and good conscience. And your said Orator shal dailie pray vnto Almightie God for the preseruation of your honorable Lo. in good health long to continue.

Sect.

SECTIO. 88.

¶ *A Bill that the Plaintife was seised in fee of Copyhold landes, and agreed in consideration of money payable at certain dayes, to lease the same to the def. for yeares, as appeareth by articles, and that the def. hath not paied the money, to the Plaintifes losse and discredite.*

A HVmbly complayning sheweth vnto your honorable Lo. your dailie Orator J.S. of Y. in the Countie of N. gentleman, That wheras vpon the viij. day of Sep. in the xxxij. yeare of the Raign of the Quenes most excellent Maiestie that now is, your said Orator & A his wife, as in the right of the said A. were, and yet be lawfully seised in their demesne as of fee, according to the custome of the manor of S. in the Countie of Y. Of and in one messuage or tenement in B. within the Chappelry of B. in the Countie of Y. then in the tenure or occupation of E.B. or of his assignes, And of diuers lands, meadowes, pastures, commons, profits, and commodities with thappurtenances therunto belonging. And they being therof so seised, it was then concluded and agreed betwen your said Orator on thone partie, And J.M. and P.M. on thother partie, that your said Orator and his said wife within one yeare then next insuing, should surrender lawfully according to the said custome of the said manor of S. and to conuey vnto the said J.M. and P.M. their executors and assignes the said tenement & premisses to thuse of the said J.M. and P.M their executors & assignes, from the feast of S. Mich. tharchangel, which shalbe in the yere of our Lord God 1591. vnto the end and terme of xj. yeres then next following, with sufficient carbote, heybote, and hedgebote, to be taken vpon the premisses, and for the yerelie rent of xl. s. to be paied for the same at two vsuall feasts in the yere, and that in consideration thereof the said J.M. and P. M. did then couenant, promise, and pay vnto your said Orator the summe of 55. li. of lawfull English money

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in maner and forme following: that is to say, at, or before the feast of S. Mich. tharchangel now last past 40. li. of lawfull English money, and at, or before the feast of S. Martin the Bishop now last past 15. li. therof residue, as in and by certein Articles indented vnsealed thereof made betweene them, bearing date the said xvij. day of Sept. in the xxxij. yeare aforesaid, amongst diuers other thinges plainlie appeareth: But now so it is, if it may please your honorable Lordship to vnderstand, that the said I. M. and P. M. their promises and assumption aforesaid not regarding, but imagining, and fraudulently intending your said Orator in that behalfe falslie and deceiptfully to deceiue and defraud, of the said 55. li. nor any penie therof, though often times by your said Orator greatly required to make payment therof, according to their promise and assumption aforesaid, haue not paied, nor haue in any wise contented your said Orator, by meanes wherof your said Orator hath not onlie forborne and lost great gaines and profites, which he might haue gotten with the said 55. li. by lawfull bargayning, buying, & selling, if the said I. M. and P. M. had paied the same, according to their promises, but also hath therby bin greatly hindered in his credite, to diuers persons to whom he was indebted, in seuerall summes of money, and vnto whom he your said Orator promised & became bound himselfe by obligation to haue paied the same, at diuers daies now past, vpon hope of the fulfilling and performance of their said promise, assumption, and agreement aforesaid, which is to the greeuous losse & damage of your said Orator, and altogether against all right, equitie, and good conscience: In tender consideration wherof, and forsomuch as the said conclusion, promise, and agreement was so priuatelie and secretlie made betwen your said Orator, and the said I. M. and P. M. that no other persons were then present which can testifie the same, so that your said Orator for want of due proofe thereof, hath no remedie by the vsuall

course

course of the common Lawes of this Realme to recouer the same, nor otherwise, if they the said I. M. and P. M. in their answeres to the premisses in this honorable Court shall not confesse the trueth of the premisses to be, as is aforesaid, as your Lo. said Orator verilie thinketh they will: It may therefore please your honorable Lordship, the premisses graciously considered, to graunt vnto your said Orator the Quenes Maiesties writ of Subpena, to be directed vnto the said I. M. and P. M. thereby commaunding them, and either of them, at a certaine day, and vnder a certaine paine therin to be limitted by your good Lordship, to be, and personally to appeare, before your good Lo. in her Maiesties most high Court of Chauncerie, then and there to answere to the premisses, and further to abide such order and direction therin, as to your good Lordship shall seeme to stand with right, equitie, and good conscience, and your said Orator shall daylie pray vnto Almightie God, for the preseruation of your honor in good health long to continue.

SECTIO. 89.

¶ *An Answere and demurrer to the same Bill.*

A THe said defendants, and either of them, making protestation, and not any waies confessing any thing in the said Bill of complaint contayned to be true, in such maner and forme, as in the same is thereby set forth and declared, do further say, that the same are altogether deuised and contrived of malyce, or set purpose, to put these said defendants to wrongful veration, great trouble, and expences in the law. And for following of the same, as they are probably induced to think, & without any iust ground, or reasonable cause by them giuen vnto the said complainant so to do, in which respect, & for because that it euidently appeareth by the said bill, that if the said complaynants allegations were true in such maner & form, as in the said bill they are set down & declared, as these def. verily think, & are surely perswaded they

are not the said complainants, hath good remedy and ought to sue for the same by way of action, at, and by the common Law of this Realme, and not in this honorable Court, as these defendants, & either of them take it. And for the other apparant insufficiencies in the said bill of complaint conteined, the said defendants, and either of them demurre in law, and demaund iudgement, whether they shal make any further answere vnto the said insufficient bill of complaint, and do further pray to be dismissed out of this honorable Court, with their costs and charges in this behalfe wrongfully sustained: And yet neuertheles, if the said defendants, or either of them shalbe compelled by the order of this honorable Court, to make any further or other answere to the said vntrue & insufficient bill of complaint: then they and either of them for the satisfaction of this honorable Court, in the trueth of all the matters in the said bill most vntruely obiected by the said complainãt against the said defendants, for further and full answere therunto, & for plaine declaration of the trueth therin: They the said defendants & either of them say, that true it is in deede, that there was a certain speech or communication had betwen the said complaynant & these said defendants, for such a bargain to be had & made betwen them in such sort, for the lease & paiments, as are by the said bill alleaged, the which said communication was then set downe in certein articles bearing date, in the said complainants bill alleaged. And it was then also most materially for these said defendants, further couenanted and agreed on the part of the said complaynant, that that said communication should be by him the said complaynant put in writing by deed indented, and according to law be executed by sealing and deliuering thereof, as these said defendants then did, and yet do take it, and moreouer, that the said complaynant & G. B. of C. in the Countie of D. Esq. should becom bound iointly and seuerally vnto the said def. for the true performance of all & euery the said agreements,

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in the summe of 110.li. before the paiment of the said sume of 40.li. in the said bil mentioned, being the first paiment which they should haue made, the which said communication as the said defendants did accompt yt, was then set down in writing vnder the terme of Articles of agreemẽt, but yet neuer meant to conclude or bind the said bargaine, vntil the same should haue bin ingrossed, sealed, and deliuered, & the said obligation entered, at the said complainãts costs and trauel, as the said defendãts haue euer taken it, & think the same wil proue so in law, because it was referred to further writings more effectual in the law to be accomplished by the said complainant, the which to do, he neither yet hath, neither as it seemeth ment to performe, but rather to gain the said defendants money, without any assurance thereof to be made vnto them, for that he hath not caused the said articles to be ingrossed, neither hath he and the said G. B. entred into bond to the said defendants, or either of them according to the said agreement, but wholy sought, if by any means he could, cunningly to possesse himselfe of the said summe of 55.li. or of so much thereof, as he could without any assurance making, or entring into bond to the said defendants, as aforesaid, to the great impouerishment of these said defendants, if the said complainants entent had taken effect, for which causes they the said defendants thinke ỳ the said complainant hath no iust cause of complaint, neither are they the said defendants or either of them bound, as they take it to performe the said payements in the said bil expressed, without that, that the said agreement was priuately and secretely made betweene the said complainant, and the said defendaunts, as in the said bill is most vntruely alleaged, or that the said defendants euer meant any fraude, or guile, as likewise in the said bill is verie slaunderously pretended And without that, that any other matter or thing in the said bill of complaint contained, materiall or effectuall in the Law to be aunswered vnto.

vnto, and in this their answere not sufficiently answered vnto, confessed and avoided, traversed or denyed, is true, all which matters these defendants, and either of them are readie to averre and proue as this honorable Court shall award, and pray, that they may be dismissed out of the said Court, with their reasonable costs and charges in that behalfe wrongfully, and without cause sustayned.

SECTIO. 90.

¶ *The Replication of Io. S. complainant vnto the ioint and seuerall answeres, and demurrers of I. M. and P. M. defendants.*

THe said complainant for replication saieth, in all and A
euery thing and things, as he in his said bil of complaint hath said and doth, and will averre, iustifie and maintaine his said bill of complaint, and all and euerie thing and things, clause, sentence, article, and allegation therein contained, to be good, iust, & true, certaine and sufficient in the Law to be answered vnto by the said defendant, and deuised and exhibited into this honorable Court, vpon good and iust cause of suit, as in, and by the said bil is most truely set downe and disclosed. And not deuised, imagined and set forth by this complainant against the said defendants vpon malice or set purpose, to put these defendants to wrongfull and verie vniust veration, costs, charges and suit in Law, without any good ground or cause, so to do, as in the said answere it is vntruely alleaged. But the said complainant sayeth, that the answeres of the said defendants are verie vncertaine, vntrue, and insufficient in the Lawe to be replyed vnto for diuers and manifest imperfections therein contained. Neuertheless, if by the order of this honorable Court, this complainant shall

ſhall bee compelled to make any further replication vn-
to the ſaid vntrue, incertaine, and inſufficient an-
ſweres of the ſaid Defendantes, then, and not other-
wiſe, the aduauntage of exception, to the manifeſt in-
certaintie and inſufficiency thereof to this Complainant,
at all and euerie time and times hereafter ſaued, for fur-
ther replication thereunto ſaieth, as in the ſaid Bill of
Complaint hee hath ſaid, without that, that at the ſaid
time of the making of the ſaid agreement in the ſaid
Bill and anſwere mencioned, it was further coue-
nanted and agreed, on the part of the ſaid Complai-
nant, that the ſaid communication ſhould by the ſaid
Complainant bee put in writing by deede indented, and
according to the Law be executed by ſealing and deli-
uerie thereof. Or that this Complainant, and the
ſaid G. B. Eſquire in the ſaid anſwere named, ſhould
become bound iointly, and ſeuerally vnto the ſaid De-
fendant for the true performance of all and euerie the
ſaid agreements in the ſumme of one hundred and for-
tie pounds, before the paiment of the ſaid ſumme of
fortie pounds in the ſaid Bill mentioned, beeing the
firſt paiment, which they ſhould haue made, as in the
ſaid anſwere it is verie vntruely alledged, with this,
that this Complainant doth and will auerre, and proue
that the ſaid communication in ỹ ſaid Bil & anſwere men-
tioned, ſet down vnder the terme of Articles of agreement
was eũ ment to conclude and bind ỹ ſaid bargaine, the
ſame not referred to any further ceremonie of engroſſing,
ſealing and deliuerie, or entring into the ſaid Obligati-
on by the ſaid Complainant, or G. B. at the coſtes and tra-
uell of the foreſaid Complainant, and the ſaid G. and
this Complainant alſo ſaith, that the ſame agreement
was then fullie and abſolutely made, and not referred
to any ſuch further writing more effectuall in the law,
to bee fully accompliſhed by the ſaid Complainant, as

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in the said aunswere, it is coniecturally and vntruely suggested, & wout that, that this Complainant, & the said G. B. or either of them haue ment to gaine the said defendāts money, without any assurance made of the tenements in ỹ saide bill mencioned to the said defendāts, or wholy sought by any meanes he could, cunningly to possesse himselfe of the saide summe of 50. li. or of so much thereof as he could, without any assurance making, or entring into bond to the saide defendantes, as aforesaid, to the greate impouerishment of these defendants, yf the complainants entent had taken effect, as in the said answere is vntruly surmised. For this complainant saieth, that euer since the makinge of the said bargaine & agreement, he and the said G. B. haue, & yet are readye to performe and doe, whatsoeuer they did then bargaine and agree to doe, by the same articles, as vnto this Honorable Court, shalbe truely and sufficiently proued, & this complainant also saieth, that he hath iust cause of complaint, and that the said defendants are bounde to performe the said paymēts in ỹ said bill of compl' mencioned, which he hopeth, they shal be compelled to doe, by ỹ order of this Ho. Court. And without that, that any other matter, thinge, or thinges, clause, sentence, article, or allegacion, in the saide answere conteyned, materiall, or effectuall in ỹ lawe, to be replied vnto, by this cōplainant, & not herein in this his replication by this Compl. sufficiently replied vnto, confessed & auoyded, denyed or trauersed is true. All which matters, this Compl. is ready to auer & proue as this Ho. court shall award, & praieth as he in his said bil of cōplaint hath praied.

SECTIO. 91.

¶ *A Bill for money lent without specialtie & wittnesses.*

To the Right Honorable Sir T. B. &c.

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IN most humble wise Cōplaining, sheweth vnto your H. Lordeship, Your dailie Orator T. G. of Alhebourne, in the Countye of Darbye gentleman, that whereas your saide Orator by waye of Prest, at the feast of P. in the

the xviij. yeare of the raigne of our Soueraigne Ladie Eliz. by the grace of God, of England, Fraunce, and Ireland Q. defendresse of the faith &c. did deliuer vnto E.C. of A. in the Countie of Y. yeoman, the summe of xx. pound of currant English money, to be paied vnto him your said Orator, at or before the feast of S. Bart. the apostle then next insuing: Now so it is, that although your said Orator hath manie and sundry times required payment of the said xx.li. yet notwithstanding, he the said E. the same xx.li to your said Orator hath not yet paied, to the great losse & hinderance of him your said Orator, And for because your said Orator hath not any specialtie or witnesse to proue the deliuerie of the said xx.li. he is therfore therof without remedie by order & course of the common Lawes of this Realme, and is vtterlie like to lose the said summe, contrarie to all equitie, good conscience and true dealing, vnlesse your honorable Lo. fauor & lawfull aide be herein shewed. In tender consideration wherof, may it please your honorable Lo. the premisses considered &c.

SECTIO 92.

¶ The Answere to the same bill.

The answer to the same.

A The said defendant saith, that the said Bill of complaynt is verie vntrue, and insufficient in the Law to be answered vnto, for diuers apparant matters therin conteined, and that the same is deuised by the said Complainant, and exhibited into this honorable Court of mere malice & euill will, to thintent to put this defendant to great charges & expences, without any good matter, or iust cause, or color of cause so to do: And that if the said supposed matter were true, as in deede it is not, yet were the same determinable, at, and by the common Lawes of this Realme, and not in this honorable Court, whervnto this defendant prayeth to be dismissed, with his reasonable costes and charges in this behalfe wrongfully susteyned, without that, that the said complainãt by way of prest at the feast of Penticost, in the said xxvij.

thyrde & twenty yeare of the Quéens Maiesties raigne or at any other time did deliuer vnto this defendant the said summe of twenty pounds to be paid vnto him, at, or before the said feast of S. Bart the Apostle as in the said Bil is supposed. And without that, that the said Complainnat many and sundrie times required paiment of the said 20. pound, as in the said Bill is likewise vntruely supposed. And without that, that any other matter, thing, or things, clause, sentence, article, or allegation in the said bill contained material or effectual in the law to be answered vnto & not herein in this his answere sufficiently confessed, & auoided, denied, or trauersed is true. All which matters, &c.

SECTIO 93.

¶ *A bill for deteining of bonds and bils paied, praying an Iniunction to stay suit thereupon.*

To the Right honorable Sir C. H. knight of the noble order of the garter, and Lord Chauncelor of England.

HVmbly sheweth vnto your good Lo. F. L. of S. in le dale, A in the Countie of D. Esquire. That whereas your said suppliyant did long sithence in his fathers life time, at diuers seuerall times (the certaintie whereof your Lordships said Orator doth not now remember) vpon some occasion, that he then had to vse more money then he had then in store, did borow and take to loane of one R. S. of S. in the said Countie of D. yeo. diuers summes of money, vpon receipt wherof, your Lordships said suppliant did alwayes deliuer vnto the said R. S. either sufficient Obligations of double the summe borowed, or els his the said F. L. your Lo. said suppliants single Bil obligatory, for repayment of all such summes of money as he then borowed at such times as were then agréed vpon betwene them, And amongst the rest, your Lo. said Orator did about twentie yeres since, as he

he now remembreth, borowed of the said R.S. the summe of xx.li. for the repayment wherof at a certain day therfore, then agréed vpon betwene them, your Lo. said suppliant did then deliuer vnto the said R.S. his bill Obligatorie for his sufficiẽt assurance therof, the which said xx.li. like as also all the other summes of money so borowed by your Lo. said suppliant, as is aforesaid, he the said F.L. your Lo. said suppliant, hath most certainly now long sithence repaied vnto the said R.S. at such time as he the said R. was well therewith contented, aswell in full discharge of the said Bil obligatorie of xx.li. as of all the other bonds and writings so entered by your Lo. said suppliant, as is aforesaid: And in respect, ỳ he the said R.S. had not the said bil obligatorie for the said xx. li. ready to be cancelled & redeliuered at the said repayment of the said xx.li. he the said R. S. did then verie faithfully promise vnto him that made the said repayment, that he the said R.S. would assuredly cancel the said bil obligatorie, whensoeuer the same should next come into his hands: But so it is, if it may please your good Lo that the said R. S. hath latelie put the said Bill for the said xx pound in suit, as your Lordships said suppliant is crediblie informed, meaning to be double pated for the said xx. pound, in the said bill mencioned, against all equitie and good conscience: In consideration wherof, and for asmuch as your Lordships said Orator hath no remedie at the common Law, eyther to recouer the said bill Obligatorie for the said summe of xx. pound from the said R.S. or otherwise to plead in discharge therof. And forasmuch as the said R.S. hath diuers other the said Obligations and writinges yet remayning in his handes, which are likewise satisfied, and which he hath promised to deliuer vnto your Lordships said Suppliant at diuers times now long sithence passed, the which to doe he hath hitherto not fulfilled, and in verie good sort by your Lordshipps sayd Orator, and hys seruants often times required, for lyke recouerie or discharge

wherof

whereof your Lordships said Suppliant standeth likewise destitute by the strict course of the common lawes. It may therfore please your good Lo. to award aswel the Quéens maiesties most gracious writ of iniunction to be directed vnto the said R. S. and all and euery of his counsellers, Attorneis Sollicitors and factors, commaunding them, & euery of them thereby at a certaine day and vnder a certaine paine therein to be set downe by your good Lordship no further to proceed in the suit vpon the said xx. pound bil, vntill your Lordship shall haue taken further direction therein, as also the Quéenes Maiesties writ of Subpena to be directed to the said R. S. commaunding him thereby &c.

SECTIO 94.

¶ *A Bill to examine witnesses in* perpetuam rei memoriam, *touching a lease made in trust by the plaintife to the defendants.*

To the right honorable Sir C. H. Knight, Lord Chancelor of England.

I Your most humble wise complaining sheweth vnto your honorable Lordship, your suppliant and dailie Orator T. B. of B. in the Countie of Y. Esquire. That whereas your said Orator about fiue yeares now last past, was, and yet is lawfully seised in his demesne as of fée, of, and vpon one messuage or tenement called B. and of diuers lands & grounds therunto belonging, or with the same commonly vsed or occupied, lying and being within the Lordship of M. in the county of Y. & he being therof so seised, vpon speciall trust & confidence which he then reposed in one W. G. of B. in the said county of Y. & M. his wife, by his deede sufficient in the law, did demise, graunt, & to ferme let vnto the said W. G. and M. his wife, when she the said M. was sole & vnmaried, the said messuage, tenements, & premisses, To haue & to hold the

the same vnto the said W. & M. from thend & expiration of one lease then enduring, & now ended, which the said W. G. then had in the premisses for the terme of 21. years, thence next following, fully to be complete and ended: which said lease was not onely meant and entended to be to the vse of your said Orator, but also at the time of ỹ making hereof it was so declared and expressed, aswell by by your said Orator, as by the said W. and M. in the presence of diuers witnesses, & not to ỹ vse of the said W. & M. as your Orat shalbe able plainly to proue in this Hy. court, which notwithstanding by the sinister perswasion confederacy and procurement of one W. L. of C. in the county of D. yeoman, they the said W. and M. do challenge, & claime the said lease to be to their owne vse and behoofe, contrary to the foresaid trust so reposed by your said Orator in them the said W. G. and M. and contrary to the foresaid vse thereupon expressed, at the time of the sealing and deliuerie of the foresaid lease by your said Orator vnto them as is aforesaid. And for as much as the foresaid lease in writing is absolute without any vse expressed, or declared, in the deede of the same, And also seeing such witnesses as your said Orator hath for the proofe of the foresaid vse declared (at the time of the sealing and deliuery of the foresaid lease) are now very aged, and impotent, and not likely to liue long, and do inhabite and dwel within the countie of ỹ and are not able to trauell to the citie of London, and if they should chaunce to die before they be examined concerning the premisses, then were
A your said Orator without all remedie, for proofe of the foresaid vse and trust so by him reposed in the said W. G. and M. his wife, (except by your good Lordship, it be graunted vnto him, that he may haue a commission directed vnto such persons, as to your Lordship shalbe thought meet, inhabiting in the said county of ỹ. for the examining of the foresaid witnesses, in perpetuam rei memoriam, for

the profite of the foresaid use and trust so reposed by your said oratour in the said M. G. & M. May it therefore please your most Honorable Lordshippe, the premisses graciously considered, to graunt to your said oratour &c.

SECTIO 95.

¶ *A Bill vpon promise safely to deliuer sheepe to the Plaintife by one, whose executor the Defendant is, which testators and executors conuerted the said sheepe to their owne vse, with an answere to the said Bill and replication thereunto.*

To the Queenes most excellent Maiestie, in hir highnes Court of Chauncerie.

Memor. This direction is when there is neither Lord Chauncellor, nor Lord Keeper.

HUmbly complaining, sheweth vnto your maiestie your faithfull subiect W. P. of P. in the county of L. gent, that wheras about the moneth of Aprill which was in the yeare of our L. God 1590. one H. S. was lawfully possessed of 62. score Ewes, and 6. score Lambes, as of his owne proper goods, and he being of them so possessed about the same time did sell the same vnto your Maiesties said subiects, for the summe of fiftie pounds of lawfull English money, or thereabouts to him paied by your said subiect: By force of which bargaine your said subiect was of the said shepe lawfullie possessed, as of his owne proper goods, and hee being thereof so possessed, it was then agréed betwéen your said subiect, and the said H. S. and one G. C. of A. in the countie of P. husbandman, that the said H. S. shoulde deliuer

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liuer the ſame ſheepe to the ſaid G. C. to be ſafely kept by him to the vſe of your ſaid ſubiect, to be brought and deliuered to your ſaid Subiect, at your ſaid ſubiect his dwelling houſe in H. aforeſaid in the ſaid county of Lincolne. And thereupon the ſaid G. C. in conſideration thereof, and in conſideration of fortie ſhillinges to him by your ſaid Subiect to be paied at the deliuerie of the ſaid ſheepe, in forme aforeſaid, did then aſſume vpon himſelfe, and to your ſaid Subiect did faithfully promiſe, that if the ſaid ſheepe were deliuered vnto him, according to the ſaid agreement, that then he the ſaid G. C. would wel and ſafely keepe the ſame, and bring & deliuer them, or cauſe the ſame to be brought and deliuered vnto your ſaid Subiect, at his ſaid houſe in H. aforeſaid, within certaine time after that he ſhould ſo receiue the ſame: which time is long ſithence paſt. And your Highneſſe ſaid Subiect further ſaith, that about the firſt day of May next enſuing the ſaid agreement, and promiſe, all the ſaid ſheepe were deliuered vnto the ſaid G. C. at A. aforeſaid, according to the ſaid agreement But ſo it is, if it may pleaſe your excellent Maieſtie, that the ſaid G. C. in his life time, vnmagining, and fraudutely intending, your ſaid Subiect in this behalfe craftineſſe and ſubtillie to defraude and deceiue, did not onely, not deliuer vnto your ſaid Subiect the ſaid ſheepe, nor any of them, according to his ſaid faithfull promiſe, and aſſumption: but contrariwiſe did take and conuert a great part of the them to his owne proper vſe, ſelling ſome of them to diuers perſons to your ſaid Subiect vnknowen for diuers ſummes of money conuerting the ſame to his owne vſe, and killing ſundrie other of them in his houſe. And ſhortly after made his laſt Will and Teſtament in Writing, and thereof conſtituted one R. C. his Brother his Executor, and died poſſeſſed of the ſaid reſidue of the ſheepe. After whoſe death the ſaid R. C. proued the foreſaid Teſtament, and alſo tooke vpon

him the burthen and charge of the execution thereof, & by pretence of the said residue of the said 6. score & one ewes, and fiue score and one lambes being about foure score Ewes, and three score Lambes, worth thirty pound and aboue, came to the handes and possession of the said R. C. who imagining, and fraudulently intending your said Subiect in this behalfe, and subtilly of the said sheepe to defraud and deceiue, hath in like maner sould the most part of the said Ewes, and Lambes, so comen to his handes and possession, to diuers persons to your said Subiect vnknowen for diuers summes of money betwéen them agréed vpon, and the money thereof arising hath conuerted to his onely vse and behoofe: and albeit your said subiect hath diuers times comen vnto him the said R. C. since the death of the said G. C. gently requiring him either to deliuer vnto him your said subiect such and so many of the said sheepe, so as is aforesaid, comen vnto his handes and possession, or the verie value thereof, which very value of such other sheepe as the said G. C. had in his life time, so as is aforesaid conuerted to his owne vse, yet he the said R. C. notwithstanding that after the death of the said G. C. the goods and chattels, which were the said G. C. at the time of his death, sufficient both to discharge, pay, and performe, all the debtes, and legacies of the said G. C. and to satisfy your Maiesties said Subiect, of and for such, and so many of the said sheepe as came to the handes of the said G. C. and neuer came to the handes custodie or possession of him the said R. C. hath euer hitherto denied and refused, and yet doth deny and refuse to yéeld vnto your said subiect any satisfaction, or any recompence at all, either for the said sheepe, so as is aforesaid, conuerted to the onely vse of the said G. C. in his life time, so as is said, either conuerted to the vse of the aforesaid R. C. after

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the death of the said G, or by him the said R. still vniustly detained and withholden from your said subiect, which vniust dealing of him the said R. C. is to the greeuous losse and damages of your said subiect, and altogether against all right, equitie, and good conscience. In tender consideration whereof, and for so much as the said promise of the said G. C. so as is aforesaid made for the deliuerie of the said Sheepe, as is aforesaid, was so made in the presence and hearing of the said R. C. and of certaine other witnesses, which be now all dead, but the said R. C. in so much as for want of such proofe as is requisite in that behalfe, he your said subiect is without all remedie either to recouer the said Sheepe, or any recompence for the same, either by the strict course of the common lawes of this Realme, or in this Honorable court, otherwise then by the parties own confession vpon his oath in this Honorable court, which your said subiect verily doth imagine and thinke, that he will confesse to be in such sort, as is here aforesaid. It may therefore please ye.

SECTIO 96.

The answere of R. C. to the Bill next before.

THe said defendant by protestation not acknowledging or confessing the matters in the said bill of complaint, contained to be true, in such maner and forme, as in the same they be set forth and alleaged, saith, that the said bill of complaint is verie vntrue, incertaine, and insufficient in the law to be answered vnto, and the matters therein surmised are enuiously deuised, and vnconscionably contriued, imagined, and set forth, onely of purpose to vexe and molest this defendant vniustly, and to put him to great trauell, expences and charges of suit

and that without any iust cause, or good matter, as this defendant hopeth he shal proue vnto this honorable court, nevertheless, the aduauntage of exception to the insufficiency, and vncertaintie of the said Bill of complaint, and all other aduauntages to this Defendant, at all times hereafter saued, the said Defendant for answere vnto the said Bill of complaint saith, that he doth not certainly know, neither is he as he thinketh, compellable to take notice, whether one H. S. in the Bill named, being about the moneth of April, in the yeare of our Lord God 1590. lawfully possessed of fiue score and one Ewes, and fiue score and one lambes, as of his owne proper goods, did sel the same vnto the said complainant for ỳ summe of fiftie poundes, as in the said Bill is supposed, or whether the said complainant being lawfully possessed of the said Sheepe, as of his owne proper goods by force of such bargaine, there were any such agreement betweene the said complainant, and the said S. and one G.C. of A. in the Countie of Y. for the deliuerie of the said sheepe to the said G to be safely kept to the Complainants vse, and to be deliuered to the Complainant at his dwelling house in H. in the Countie of L. as in the said Bil is suggested, this Defendant as he thinketh is not bound now to take notice, being then a stranger thereunto, or whether the said G.C. vpon the former part of the insufficient consideration grounded vpon the premisses, or for, in, or vpon the latter, being a lame blancke and imperfect, or rather no consideration, there naming nihil omnino to be by the said Complainant paied vnto the said G. C. did assume and faithfully promise vnto the complainant safely to keepe and deliuer the said sheepe, as in the said Bill is alledged, but this Defendant saith, that if the assumption be grounded vpon any good consideration, then the Complainant might haue his remedie

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at the Common Law, if hée had any iuſt cauſe. And therefore this Defendant, as he thinketh, might verie well demurre in Law vpon the ſaid Bill, and demaund iudgement, if hee ſhall bee by this Honorable Courte compellable to anſwere the complaint any further. Nevertheleſſe, for as much as this defendant hopeth that the ſaid Complainant ſhall neuer be able to proue his ſubtill ſuppoſed ſuggeſtions in the ſaid Bill ſet forth, and alledged, For further anſwere vnto the ſaid Bill, ſaith, that true it is, that the ſaid G. C. in the ſaid Bil mencioned, made his laſt Will and Teſtament in writing, and thereof conſtituted this defendant his Executor, and died, without that, that the ſaid G. C. in his life time, imagining, and fraudulently intending the ſaid Complainant in that behalfe craftily and ſubtilly to defraud and deceiue, did not onely, not deliuer vnto the ſaid Complainant the ſaid Sheepe, nor any of them according to his ſaid faithfull promiſe and aſſumption, but contrariwiſe did take and conuert a great part of them to his owne proper vſe, ſelling ſome of them to diuers perſons to the ſaid Complainant vnknowen, for diuers ſummes of money, conuerting the ſame to his vſe, and killing ſundry others of them in his houſe, and died poſſeſſed of the reſidue of the ſaid Sheepe, as in the ſaid Bill is vntruely and vncharitably alleadged againſt the ſaid G. C. being now dead. For this Defendant verily doth thinke, and immagine in his conſcience, if ſuch Sheepe were deliuered to the ſaid G. C. to be kept and deliuered as is aforeſaid, that then the ſaid G. did in his life time well and truely deliuer the aforeſaid Sheepe accordinglie: without that that after the death and departure of the foreſaid G. C. the poſſeſſion of the ſaid reſidue of the ſaid fiue ſcore and one Ewes, and fiue ſcore and one Lambes, being about the full number of foure ſcore Ewes, and three ſcore

lambes worth 30. pound and above, came to the handes & possession of the said R.C. now defendant, who imagining and fraudulently intending the said complainant in that behalfe craftily and subtilly of the said sheepe to defraud, & deceiue, hath in like maner sold most part of the said Ewes and lambes so come to his handes and possession, to sundry persons to the said complainant vnknowen, for diuerse summes of money betweene them therefore agreed vpon, & the money thereof arising, hath conuerted to his onely vse and behoofe, as in the said bill of complaint is verie falsly surmised, set forth, and alledged. And without that, that any other matter or thing in the said bil materiall, to bee answered vnto, and in this answere not sufficiently answered, confessed, and auoided, trauersed, or denied, is true. All which matters &c. and praieth &c.

SECTIO 97.

¶ *The Replication of P. complainant to the answere of R.C. defendant.*

THe said complainant for replication saith in all and euerie thing & things, as he in his said bil of complaint hath said, and doth and will auerre, iustify, maintaine, and proue his said bill of complaint, in al & euery matter, thing and things therin contained to be good, iust, and true, certaine, and sufficient in the law to be answered vnto by the said defendant in such maner and forme as they be in the same most truely set forth and declared, and not enuiously deuised, nor vnconscionably contrived, imagined, and set forth, onely of purpose to vexe and molest this defendant vniustly. And to put him to great trauell, expences, and charges of suite, and that without any iust cause, or good matter as in ỳ said answere, it is by ỳ said defendāt vntruely surmised. And this complainant further saith, ỳ

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the said answere of the said defendant is very incertein, vntrue and insufficient in the law to be replyed vnto, by this complainant for diuerse apparant faults and imperfections therin cõtained. And namely in this, that the said complainant, being in, and by the said bil of complaint, charged to haue had in his handes and possession, diuerse of the said sheepe, in the said bill mentioned, doth in his said answere neither confesse nor deny the hauing thereof, as by the said answere it appeareth, so that in reason he ought to be compelled by the order of this honorable Court, to make a better and more certein and perfect answere vnto the said bil of complaint, Neuertheles this def. saiing vnto himselfe, at all times hereafter, al aduãtage of exceptions to the manifest incertaintie & insufficiencie of the said bil of complaint, for further replication thereunto, Also further saieth, that the said consideration in the said bill of complaint contained, is verie sufficient to maintaine the said suite in this honorable Court, Albeit that no other thing had bene departed with, on the part of this complainãt, but onely the credit and deliuerie of the said sheepe, vnto the hands of the said G. C. & yet this complainant hopeth to proue, that there was giuen vnto the said G. C. for and on the behalfe of the said complainant, either good matter of consideration for keeping and conuaying of the said sheepe, as in the said bill is alleaged. And further this repliant doth, and wil also auerr and proue, that diuerse of the said sheep since the death of the said G. C. haue come to the hands and possession of the said complainant, which haue bin vnlawfully conuerted to his owne vse, against all right, equitie, and good conscience, without that, ỹ any other matter, thing or things, clause, sentence, article, or allegation in the said answere contained material or effectuall in the Law, to be replyed vnto by this complainant, & not herein before in this his replication sufficiently replyed vnto, confessed and auoided, denied or trauersed is true. Al which matters this com-

complainant is readie to auerre and proue as this honorable Court shall awarde. And prayeth as he in his said bill hath praied.

SECTIO. 98.

¶ *A bill for a debt vpon a contract without witnesses.*

vpon a contract without witnesses

IN most humble wise complaining sheweth vnto your honor, your poore and dailie Orator T. B. of C. in the countie of Darby Mercer, That where about two yeres now past, one T. G. of B. in the countie of Y gent. bought of your said Orator, xij. yardes of linnen cloth, price xxij. s. and diuers other wares and marchādises, amounting in the whole to the value of xx. marks or thereabout, for paiment whereof the said T. G. earnestly required your said orator to forbeare him the said T. G. for the space of a moneth or thereabouts, then next following, And for that the said T. G. did then faithfully assume and promise to pay the said debt, vnto your said Orator at the said monethes end, your said orator trusting to his bare promis, deliuered vnto the said T. G. the said cloth, wares & marchandises, without taking any specialty or other securitie for paimēt of the aforesaid money, Now so it is, if it may please your honorable Lo. that the said T. G. perceiuing that your said orator can by no order of the comon Laws of this Realme recouer the said money for want of specialty or witnesses to proue the said assumption and contract, being verie latelie by your said Orator, requested to pay the said mony according to his said promis, yet yeuertheles the said T. G. hath plainly affirmed & answered, ẏ your said orator shall not haue any peny therof, which if it should so passe without relœfe to your orator herein, would turne to the great impouerishment & damage of your said orator, who hath ouer many such debters. In consideration whereof the premisses tenderly cōsidered, & forasmuch as your said orator is wꝫout al remedy for the recouery of the same by the strict order of the comon laws of this realme, for want of speci-

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alty or wittnesse, as aforesaid, May it therfore please &c.

SECTIO 99.

¶ *The Answere, and demurrer of the same.*

The Answere & demurrer.

A The said defendant saith, that the said bill of complaint is very uncertein, untrue & insufficient in the law to be answered unto by this def. For diuers apparant matters and causes therin cõtained, deuised & exhibited into this honorable court, as this def. verily thinketh by ỹ sinister aduise & perswasiõ of N. C. atturney at the comon law, of malice, & euil wil, to thintent to put this defendant to vniust trouble and veration, That he the said N. C. may therby gaine, by soliciting of this said matter in this honorable Court, and not vpon any iust cause so to do. And further saith the said def. That if the said matters mentioned in the said bill of complaint were true, as they be not in dẽd, yet were the same determinable & to be determined at, and by the comon lawes of this realme, & not by this honorable court, whereunto this def. praieth to be dismissed võ his reasonable costs & charges wrongfully sustained hereabouts. Neuertheles if he this def. be compelled by this honorable court to make any further answere unto the said incertain, untrue & insufficient bil of complaint, Thẽ and (not otherwaies) thaduantage of exception, to the manifest inconteinty & insufficiency of the said bil of cõplaint to this def. alwaies saued. For further answere thereunto, & for a ful and plain declaration of the truth touching the materiall contents of the said bil of complaint (if any such be) he this def. saith. That true it is indẽd, that about iij. yeres now by past, This said def. or some of his seruants to his vse, did receiue of this cõplainant, xij. yards of linen cloth, halfe an elle of cloth, one quarter & a half of cloth, & ij. scains of thred which he thinketh to be peel of ỹ said wares in ỹ said bil mẽtioned, & supposed to be bought by this def. of the said compl. which said wares wer so receiued by this def. or to his vse, as aforesaid, to thintent ỹ this def. should pay to the said compl. so much money

money for the ſame as ſhould be reaſonably agréed vpon by this defendant, and the ſaid complainant, which ſaid bargain and agréement, this defendant is, and euer hitherto hath bin readie to haue perfor̃med, without that, that the ſaid defendant about two yeres now by paſt, did buy of the ſaid complainant, the ſaid twelue yards of lynnen cloth, at & for ỹ ſaid p̃rice of xxij.s. or the ſaid halfe elne of other cloth for the ſaid p̃rice of ij s.viij.d. or the ſaid quarter and a half of other cloth, and two ſcaines of thréde for the ſaid p̃rice of xviij.d. for he this defendant ſayth, that he and this complainant did neuer to his remembr̃ance agrée of any certain p̃rice for the ſaid wares, as in the ſaid bil of complaint is vntruely alleaged. And without that, that he this defendant did euer buy of this complainant, the ſaid x. yards of veluet, or any part thereof, or any other wares or Marchãdices amounting in the whole to twenty marks, or for the paiment thereof, euer required the ſaid complainant to forbeare him, the ſaid defendant, for the ſpace of one moneth then nert following, as in the ſaid Bill of complaint is wrongfully alleaged. And without that, that he this defendant did faithfully aſſent and promiſe to pay the ſaid debt vnto the ſaid complainant at the ſaid Monethes end, Or that the ſaid complainant, truſting the bare promiſe of this defendant, deliuered vnto him this defendãt, the ſaid cloth, wares, veluet, and marchandiſe, as in the ſaid bil is vntruly alleaged. And without that, that he this defendant perceiuing that this complainant can by no order of the common Lawes of this Realme, recouer any part of the ſaid money, for want of ſpecialtie or witneſſe to proue the ſaid ſuppoſed aſſumption and contract, hath plainely affirmed, that he the ſaid complainant ſhal not haue any peny thereof in ſuch maner and forme, as in the ſaid bill of complaint is moſt vntruly and ſlaunderouſly alleaged, without that, that euerie other matter &c. thing, things, clauſe, ſentence, article, or allegation in the ſaid bill of Complaint, contai-

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ned, materiall or effectual in the law to be anſwered vnto by this defendant and not &c.

SECTIO 100.

¶ *A Bill to be diſcharged of ſundry bonds made by the plaintife to diuers by the defendants meanes vpon promiſe that they ſhould not preiudice them, laying open diuers cunning, and lewd practiſes to circumuent the plaintife.*

A HUmbly complaining ſheweth vnto your honorable Lo. your daily Orator I.W. of P. in the Countie of P. yeoman, that whereas about ſixténe yeres now laſt paſt, certeine debates, controuerſies, ſuites, and variances did ariſe betwéne one T.L. of E. in the countie of P. yeoman, and your ſaid Orator, & certaine other freholders of the Lordſh. of Eccleſall aforeſaid, concerning the incloſing, vſe, poſſeſſion, and occupation of certein parcels of waſt or common ground called R. in E. aforeſaid, wherein your ſaid Orator and thother freholders, and all thoſe whoſe eſtate they then had, and yet haue in certein lands in the ſaid Lo. by all the time, whereof there is no memorie of man to the contrary, haue vſed to haue common of paſture for their beaſts and cattel, vpon the ſaid lands leuant and cowchant at all times of the yere, at their wils and pleaſures, as vnto their tenemẽts belonging, which parcels of waſt ground one N.S. Eſquire before that time, had demiſed vnto the ſaid T.L. for certain yeres then enduring, for pacifying and ending of which ſaid ſuits and controuerſies & of ſuch ſuits & controuerſies, as were then betwéen the ſaid L. and S. touching the ſame, and other things your ſaid orator and T.W. and other of the freholders aforeſaid, and the ſaid L. by the means & intreatie of the ſaid N.S. about the ſaid time did ſubmit themſelues to the order, arbitrement, and awarde of I.F. R.W. C. W. and E.H. touching

touching the said controuerſies, & to thend that the said L. would be contented that the said ſuits betweene him & the said S. might rather by that means receiue a quiet end, thē by extremity of law, there being thē great ſuits betweēn ỹ said Ma. S. & L. which ỹ said L. would not otherwiſe cōpro-mit, your ſaid oratour & the ſaid D. was bound vnto ỹ ſaid L. in one obligation of C.li. & vnto the ſaid N. S. in one other obligation of C.li. for performance of the ſaid awarde, the ſaid N. S. then promiſſing to your ſaid oratour, that within ſhort time after the making of the ſaid bond vnto him, he would haue cancelled or made voide the ſaid bond of C.li. made by thē vnto him the ſaid N. S. the meaning of which bōd your ſaid oratour (being a ſimple vnlearned mā) thought to haue reached no further, but to acts to haue bin done by himſelfe againſt the ſaid awarde, which he the rather ſo thought, becauſe the ſaid Ma. S tould him ſo, or to ỹ effect, & they were only ſo agreed to haue the cōdition therof made before the making therof. And the ſaid L. was alſo bound in an C.li. vnto your ſaid oratour, & the ſaid D. for the perfor-mance of his part of the ſaid award, And afterwards, viz. about the xj. yere of the raigne of the N. maieſtie, that now is, the ſaid arbitratours made an award of ỹ premiſſes, that the ſaid L. ſhould haue inclosed the ſaid grouds, during ſuch terme as he then had therin by the demiſe of the ſaid N. S. by indenture without veration of your ſaid oratour the ſaid T. D. & other freeholders of the ſaid Lo. of E. by meanes of which award the ſaid L. enioied the premiſſes euer ſince the making therof accordingly, wout any veratiō of ỹ ſaid D. or your ſaid oratour, any other ỹ freeholders of E. aforeſaid, vntil ſuch time as the ſaid L. cauſed ỹ ſame premiſſes to be purchaſed or takē by leaſe, as lands cōcealed, & vniuſtly wō holden from her Maieſty, & thereupon cauſed ſuits to be cō-mēced againſt diuers of ỹ ſaid freeholders by informatiō in the Er. of intruſion ſuppoſed to be done by thē into the ſaid premiſſes, which ſuit ſo long cōtinued, ỹ a verdict & iudgmt

therein

therin were had for ẏ said freeholders, wherby their title to the said cōmon being then in issue, was specially found as by the records therof remaining in the said court it plainly apeareth, wherupon some of the said freeholders (as this cōplaināt thinketh) entred into ẏ said premisses being vnfenced. And therupon ẏ said L. cōmenced suit vpon ẏ said bond of an C. li. against your said orator & the said D. albeit they neuer interrupted his possession in the said premisses, & the said D. & your said orator for their indēpnity likewise prosecuted suit vpon their bond of an C. li. because the said L. in his part had not performed ẏ said award, by means wherof your said orator, and the said D. obtained a verdict & iudgement against ẏ said L. for ẏ said C. li. L. his said suit against thē depēding vntried, wherupon ẏ said L. seeing how vniustly he had dealt with ẏ said D. & your said orator about ẏ premisses perceiuing in what iopardy he stood, & how in equity he ought not to haue recouered any thing against your said orator & the said D. by his said bond, nor haue had any relief for ẏ said C. li. so by thē recouered against him, he ẏ said L. moued your said orator & ẏ said D. by sūdry means to come to agremēt wͭ him for ẏ said C. li. so recouered against him, wherupon the said D. & your said orator, intēding a general quietnes for al bonds & matters cōcerning ẏ said premises, at the great & importunate suit of the said L. & by the mediation of certeine honest men their friends, vpon the faithful promis of ẏ said L. ẏ he the said L. would warrant him your said orator against ẏ said Ma. S. for his said bond of an C. li. alleaging ẏ Ma. S. had no cause to sue the same, & that if he had, yet because ẏ matter of ẏ said bond principally concerned him the said L. (as it did in deed) ẏ if your said orator agreed with him for the premises, that thē ẏ said Ma. S. neither could nor would hurt him by reason of the said bond, the said Judgment for the said C. li. was released vnto the said L. your said orator hauing none other consideration therefore, then his said promise of quietnes and discharge of the said Mast. S. his said bond. Neuertheles not long after the

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said agreemẽt, the said L. perceiuing himselfe to be discharged of the said iudgement, and intending thutter vndoing of your said Orator, contrarie to his said promise, practised with the said master S. touching the said bond by him and the said D. made vnto the said S. and procured the same to be put in suit against them in the M. Maiesties Benche. Albeit the said Master S. had neuer any losse by reason of any act done against the said bond to the value of one peny, since which suit the said Master S. and D. haue secretly growne to agreement betweene themselues, to thintent to lay the whole penaltie of the said bond vpon your said Orator. Notwithstanding the said faithfull promise of the said Master S. to deliuer in the said bond to be cancelled, and the said L. his promise was to saue your said Orator harmelesse against the said Master S. for the same. Albeit the said Master S. neuer had any losse or hinderance by reason of the premisses, by meanes of your said Orator, neither was any thing attempted or done by the said freeholders against the said L. contrary to the said award. Otherwise then by the consent of the said Master S. who moued or procured the said freeholders to enter bond one to an other, to beare the charges of suits for the defence of their said title of common in the said seuerall parcels of ground, called R. and L. promissing them his aid and furtherance therin, vnto some of which bonds the said Master S. hath subscribed his own name as a witnes of the deliuery thereof, which their hard dealings against your said Orator in the premisses, are much against all right, equitie, and conscience, and to the vtter impouerishment and vndoing of your said Orator, his poore wife and children, wherefore the premisses gratiously considered, and for asmuch aswel the said premisses and agreemẽts of the said Master S. with your said Orator, and the said D. and the said practise had betweẽ the said Mast. S. & the said L. to put the said bond in suit, as also the sayd agreement made by the said Master S. and the said D. for

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ing of his said, suit against the said D. and also the said promise or agreement of the said L. to saue your said Orator harmles against the said Walker S. for the said bond which was secretly made amongst thē selues, & for that your said Orator trusted that they would faithfully haue performed the same to your said Orator, called no witnes to be present to heare the same promise made, and therfore is not able to produce any witnes to testifie the premisses, nor hath anie meanes to proue the same, other then by the answeres of the said Walker N. S. and T. L. who he verilie thinketh will in their answeres to the premisses confesse the same: May it therefore please your good Lordship, of your accustomed goodnes, to graunt vnto your said Orator the Quēnes Maiesties most gracious writ of Subpena, to be directed to the said N. S. and T. L. & to either of them, thereby commaunding them &c.

SECTIO. 101.

¶ *A Bill for practising with the plaintifes wife, to receyue of her the plaintifes goodes, and for receipt and detaining therof.*

A HUmbly complayning sheweth vnto your good Lordship, your daily Orator L. J. of S. in the Countie of N. gentleman, That wheras about fower or fiue yeares past, your Orator being possessed of diuers goodes, and diuers summes of money, to a great value, to the end that C. C. of W. in the said Countie of N. W. his wife, & A. their daughter, now the wife of J. P. of Y. in the said Countie yeoman, might the better bring to passe, indirectly to gaine and get into their, or some of their custodies and possession, all, or the most part of the said money and goods, and by that meanes defraude or defeat your Orator ther of, by continuall & sinister practize, instigation, and perswasion, then allured, prouoked, and intysed A. J. deceased, being then your Orators wife, to grow to some discord & variance with him, and to esloigne & conuey into their, or some of their keeping, all or

the most part of the said money or goods, promising that the same should be readie, & vsed for her vse and behoof: Now so it is, if it may please your good Lordship, that by the said lewd and bad practises of the said C. M. and A. P. and of diuers other persons by their meanes, whose names your Orator knoweth not, your Orators said wife about fower or fiue yeres since, & at sundry times before, did with violence breake open some part of your orators house at S. aforesaid, his chists there being locked, & did eslome, steale, imbeasil, or conuey away from your Orator, seueral summes of money, and diuers parcels of his goods & houshold stuffe, aswell in the night season as in the day time, to a verie great value, the certainty whereof your orator knoweth not, but is induced by good reason to beléeue, that it doth amount vnto the summe of one C. li. at the least, & deliuered, or caused the same to be deliuered vnto the custody & possession of the said C. C. & M. his wife, or A. their daughter, or of some other person or persons, by their, or some of their means or consents, whereof your Orator by some good meanes hauing had intelligence, hath sundrie times vsed speech and communication with the said C. M. and A. P. touching the same, and in most gentle and friendlie maner required to haue the said money and goodes so eslomed and imbeasiled, as aforesaid, to be to him restored, or els to haue some recompence for the same, but they haue vtterly refused to do either thone or thother, and do still refuse to do the same, and do conuert and dispose the said money and goodes to their owne vses, whereby your Orator shal be vtterlie thereof defeated, to his great hinderance and impouerishment, contrarie to equitie, and good conscience, vnlesse by your Lo. fauor he all may be reléeued in this most honorable Court. For asmuch therefore as your Orator knoweth not the names or number of the said confederates, nor the seuerall and certaine times wherein the said money and goodes were conueyed away from him as aforesaid, nor the quantitie, nature,

nature, or value of them, whereby to make any lawfull demaund, or to vse anie action by the strict course of the common Lawes of thys Realme, against them the said C. W. and A. P. or any other their confederates, for these great iniuries and wronges, as aforesaid, but that the trueth and certaintie of all these matters do rest in the priuate and proper notice of the said C. C. and W. his wife, and A. their daughter, or of some one of them, who no doubt, vpon their corporall Oathes will disclose and set downe the trueth and certaintie of all these matters: May it therefore please your honorable Lordship, to graunt vnto your Orator, the Quenes Maiesties gracious writ of Subpena, to be directed &c.

SECTIO 102.

¶ The Answere to the same,

The Answer

A The said defendants say, that the said Bill of complaint against them exhibited into this honorable Court is very incertaine, vntrue, and insufficient in the Law, to be answered vnto by the said defendants, or any of them, for diuers and sundrie apparant faultes and imperfections therein contayned and deuised, and exhibited into this honorable Court, partlie of malice and euill will, without iust cause conceiued agaynst the said C. C. one of these defendants, to the intent thereby to vexe and molest him, and hys said wyfe and daughter, wyth vniust trauell and expences, but chiefely to the intent and purpose to wearie, impouerish, and terrifie him this defendant with such suites, so that he shall neyther be able, nor wyllinge to prosecute the Law against hym the said complaynant, for diuers great summes of money which he oweth vnto him the said C. C. this defendant, and vniustly detaineth from him, & not for any good or iust cause of suit:

Neuertheleſſe, if by thorder of this honorable Court, theſe defendants ſhall be inforced to make any further or other anſwere, to the ſaid incertain, vntreue, & inſufficient bill of complaint, then, and not otherwiſe, all aduantage of exception, to the manifeſt incertainty & inſufficiency of the ſaid bill of complaint, to theſe defendants, & euery of them, at all & euery time & times hereafter ſaued. For further anſwere therunto, and for a full & plaine declaration of the trueth of the premiſſes, Theſe defendants ſay, and euery one of them ſayth, that neither they, nor any of them by continuall and ſiniſter practize, inſtigation, & perſwaſion, did not at any time allure, prouoke, and intice A. Z. deceaſed, then wife of the ſaid complaynant, to grow to ſome diſcord with the ſaid complaynant, & to eſloine & conuey into their or any of their kæping, all or any of the ſaid money & goods, in the ſaid bill of complaint mencioned, promiſing that the ſame ſhould be ready and vſed for her vſe & behoſe, to the end that they theſe defendants, or any of them, might the better bring to paſſe indirectly to gaine or get into their cuſtodie & poſſeſſion, all, or the moſt part of the ſaid money & goods, & by that means, to defeat & defraud the ſaid complaynants therof, as in the ſaid bil of complaint is verie ſlanderouſly, & moſt vntruely alleaged: And theſe defendants further ſay, & euery of them ſaith, that the ſaid late wife of the ſaid complaynant did neuer with violence break open ſome part of the ſaid complainants ſaid houſe at S. in the ſaid bil mencioned, nor his ſaid chiſts there being locked, nor did eſloine, imbeaſil, or conuey away from the ſaid complaynant, ſeueral, or any ſumme or ſummes of money, and diuers, or any parcell of his goods, or houſhold ſtuffe, either in the night ſeaſon, or in the day time, by the practiſe of theſe defendants, or of any of them, or of any other perſon or perſons, by their or any of their meanes, as in the ſaid bill of complaint is likewiſe verie maliciouſly and vntruely ſurmiſed, without that, that the ſaid wife of the ſaid complainant euer deliuered, or cauſe to be deliuered

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the said money and goods in the said Bill of complaint mencioned, or any part therof, vnto the custodie and possession of these defendants, or of some of them, or of any other person or persons, by their, or some of their means or consents, as in the said bill of complaint is also vntruely alleaged: And without that, that euer there was any cause why the said Complaynant did, or should vse any such speech & communication with these defendants, or any of them touching the premisses, or require to haue the said money & goods supposed to be esloined or imbezeled, to be to him restored, or to haue some recompence for the same, or that these defendants, or any of them do conuert and dispose the said money & goods or any part therof, to their or any of their owne vses, whereby the said complaynant shalbe vtterlie therof defeated, to his great hinderance and impouerishment, contrarie to all right, equitie, and good conscience, as in the said bill of complaint is likewise vntruely suggested: And without that, that any other matter, thing, or things, clause, sentence, article, or allegation, in the said bill of complaint conteyned, materiall or effectuall in the law to be answered vnto, by these defendants, or any of them, and not here in this their answeres sufficientlie answered vnto, confessed & auoyded, denied or trauersed, is trew. All which matters &c.

SECTIO 103.

¶ The Replication to the Answere next before.

A The said Complainant, for, & by way of Replication saith, that his said Bill of complaynt, exhibited against these defendants into this most honorable Court, is verie certaine, true, and sufficient in the Law to be answered vnto, and not demised & exhibited into this most honorable Court of malice and euil will, without cause conceiued against the said C. C. one of the said defendants, to thintent thereby to vexe and molest him his said wife and daughter with vniust trauell and expences, as in the said answeres is vntruely

alleaged, Nor chiefely to thintent & purpoſe ſo to wearie and impouerish and terrifie the ſaid C. C. with ſuch ſuites, that he ſhould neither be able nor willing to proſecute the law againſt the ſaid complainant, for diuers great ſummes of money, which he doth owe vnto him the ſaid C. C. & vniuſtly detayned from him, but is exhibited vpon iuſt cauſe of ſuit, as the ſaid complainãt doubteth not to make manifeſt and proue vnto this honorable Court, with that, that the ſaid def. or ſome one of them, by ſiniſter practiſe, inſtigation, & perſwaſion, did allure, prouoke, & intice the ſaid complaynants wife to grow to ſome diſcord with the ſaid complainant, & to eſloine and conuey into their, or ſome, or one of their keepings the ſaid money and goods, in the ſaid bill of complaint mencioned, promiſing that the ſame ſhould be readie, and vſed for her vſe and behoofe, to the end that they might the better bring to paſſe, indirectly to gaine or get into their, or ſome, or one of their cuſtodie and poſſeſſion the ſaid money and goods, and by that meanes to defeat and defraud the ſaid complainants therof, as in the ſaid bil of complaint is verie truely alleaged. And alſo with that, that the ſaid complainants wife, did with violence break open ſome part of the ſaid complainants houſe at S. in the ſaid bil mencioned, and his ſaid chiſt there being locked, did eſloine, ſteale, imbeaſil, and conuey away from the ſaid complaynant, ſeuerall ſummes of money, and diuers parcels of his goods and houſhold ſtuffe, in the night ſeaſon, and in the day time, by the practiſe of the ſaid def. or ſome, or one of them, or of ſome other perſon or perſons, by their, or ſome, or one of their meanes, as in the ſaid Bill of complaint is likewiſe verie truely declared: And with that, that the ſaid complainants wife did deliuer, or cauſe to be deliuered the ſaid money and goods, in the ſaid bill of complaint mencioned, vnto the cuſtodie and poſſeſſion of the ſaid def. or of ſome, or one of them, or of ſome other perſon or perſons, by their, or ſome, or one of their meanes or conſent, as likewiſe in the

ſaid

said bill of complaint is most truely alleaged: And without that, that there was cause why the said Complaynant should vse speech and communication with the said defendants, or some, or one of them touching the premisses, and require to haue the said money and goods eloined and imbeasiled, to be to him restored, or to haue some recompence for the same: And that the said defendants, or some, or one of them do conuert and dispose the said money and goods, to their, or some, or one of their vses, whereby the said complaynant shalbe vtterlie defeated therof, to his great hinderance, as in the said Bill of complaint is likewise most truely alleaged: without that, that any other matter, cause, or thing, materiall or effectuall in the said answeares contained, to be by the said complainant replyed vnto, & herein not sufficientlie replyed vnto, confessed, and auoided &c.

SECTIO 104.

¶ A Bill for that the def. hath got the plaintifes bill for payment of money by them into their handes, and thereby meane to defraude him of the same.

A Humblie complayning sheweth vnto your good Lo. your daily Orator I. T. of E. in the Countie of D. yeo. That whereas about two yeares now last past, your said Orator did sell vnto one I. M. G. W. P. T. alias S. & R. H. fower Oren, and three kyne, for xiij. pound of lawful English money, And at the same time made vnto your said Orator a Bill of their hands for the payment therof, at the feast of S. Michael tharchangell last past: But now so it is, if it may please your Lordship, that the said bill of xiij. pound is by casuall meanes come vnto the handes and possession of the said I. M. G. W. P. T. alias S. & R. H. or of some of them, who haue cancelled and defourmed the same Bill, And therefore, albeit they haue bin diuers times gentlely required by your said Orator, to pay vnto him the said xiij. pound

ſo to him due, yet that to do, they and euery of them haue hitherto denied and refuſed, and yet to do, do denie & refuſe to do the ſame, againſt all right, equitie, and good conſcience: In due conſideration wherof, and for that your ſaid Orator hath no remedy to recouer the ſaid xiij. li. without the ſaid bil, by the common Lawes of this Realme: May it therefore pleaſe your good Lordſhip &c.

SECTIO 105.

¶ A Bill for wrongfull entering into Copyhold landes intailed, detayning of them, and of the writings of the ſame, for waſting the ſame, and contriuing ſecret eſtates therof.

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TO moſt humble wiſe ſheweth vnto your good Lo. your daily Orator A.G. of D. in the countie of D. That whereas one T.G. father vnto your ſaid Orator, was in his lyfe time lawfully ſeiſed in his demeſne as of fée taile, to him & to his heires males of his bodie lawfully begotten, of, and in one meſuage or tenement with thappurtenances, ſcituate, lying, and being in W. in the ſaid Countie of D. And was likewiſe ſeiſed to him, and the heires males of his body lawfully begotten, of, and in fower Cottages, three cloſes or paſtures, and eight acres of arrable land with their appurtenances, lying and being in W. aforeſaid, being cuſtomarie lands, and holden of the M. Maieſtie, as of her highneſſe manor of W. aforeſaid, at the will of the Lord, according to the cuſtome of the ſaid manor: And the ſaid T. G. being of all and ſinguler the premiſſes, with their and euery of their appurtenances ſo ſeiſed, as aforeſaid, of ſuch eſtate, dyed therof ſeiſed, By and after whoſe death, all and ſinguler the premiſſes with their appurtenances, did diſcend vnto H.G. as ſonne and next heire male of the bodie of the ſaid T. by force and vertue whereof, the ſaid H. entred into all and ſinguler the ſaid premiſſes with their appurtenances, and was thereof lawfully ſeiſed to him, and the heires males of his body lawfully begotten. And he ſo being therof ſeiſed, of ſuch an eſtate died ſeiſed: By and after whoſe death,

all

all and ſinguler the ſaid premiſſes with their appurtenances, did diſcend and come to T. G. as ſonne and next heire male of the bodie of the ſaid H. by force whereof, he the ſaid T. entred into all and ſinguler the ſaid premiſſes, and was thereof lawfully ſeiſed in his demeſne, as of fee taile, to him and the heires males of his bodie lawfully begotten. And he the ſaid T. ſo being thereof ſeiſed, of ſuch an eſtate died ſeiſed, without any iſſue male of his body, By and after whoſe death, all and ſinguler the ſaid premiſſes with their appurtenances, did diſcend and come vnto your ſaid Orator, as brother and next heire male of the ſaid T. G. But now, ſo it is, if it may pleaſe your good Lo. that aſwel the ſaid deed of intail, and all other the deeds, euidences, eſcripts, writings, and muniments, manifeſting, forfeiting, deſending, and prouing the eſtate, right, intereſt, and title of your ſaid Orator, of, in, and to the ſaid premiſſes, are by ſome caſual or ſiniſter meanes comen into the hands cuſtodie or poſſeſſion of one R. W. & E. his wife T. C. and A. his wife J. D. & J. W. or ſome of them who by colour thereof haue entred into the ſaid premiſſes, and receiued, perceiued, and taken the iſſues, profits, and commodities thereof, and conuerted the ſame to their owne proper vſes and behoofes, without yelding any conſideration or recompēce to your ſaid Orator for the ſame. And yet not ſo contented, but they the ſaid R. E. T. A. J. and J. by colour of hauing the ſaid deeds, euidences, eſcripts, writings, & myniments haue not only made great ſtrippe, and waſt of the premiſſes, but alſo contriued and made to themſelues, and to other perſons vnknowen to your ſaid Orator, diuers and ſundry ſecret eſtates & conueiances of the premiſſes to the plaine diſinheriſon of your ſaid Orator, contrarie to all right, equitie, and good conſcience. And although your ſaid Orator hath diuers and ſundry times by himſelf and his friends, requeſted the ſaid R. W. his wife, T. C. and A. his wife, J. D. and J. W. and euery of them to yeld vp the quiet poſſeſſion of the premiſſes, and to

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deliuer vnto your ſaid Orator the ſaid dedes, euidences, eſcripts, writings, and monuments, yet they and euery of them, ſo to do, haue vtterly refuſed and denyed, and ſtil doe deny and refuſe, contrary to all right, equitie, and good conſcience. In tender conſideration wherof, and for aſmuch as your ſaid Orator knoweth not the contents nor certaine dates of the ſaid dedes, euidences, eſcriptes, writings, and monuments, nor wheather they be contained in bagg or bore ſealed, in cheſt, or cubbord locked. And therfore is at, & by the ſtricte courſe of the common Lawes of this Realme remedileſs for the recouery of the ſame. May it therfore &c.

SECTIO 105.

¶ *A Bill for detaining of an Indenture of leaſe for yeres.*

HVmbly complaining ſheweth vnto your honorable Lo. your daily Orator I. B. of S. in the parithe of A. in the Countie of Y. eſquire. And T. B. ſonne and heire apparant of the ſaid I. That whereas your ſaid Orator the ſecond day of July, in the viij yere of the raigne of our ſoueraigne Lady the Quenes Maieſtie that now is, did demiſe and to farme let vnto one R. M. of B. in the ſaid Countie yeoman, all his moitie, or one halfe of his meſſuage or tenement called D. with al the lands, medowes, cloſes, paſtures, & commons vnto the ſame belonging, or in any wiſe appertaining from the feaſt of ſaint M. the biſhop laſt paſt, before the date aboueſaid, vnto the ful end and terme of xviij. yeres then next enſuing, fully to be complete and ended. By vertue of which demiſe aforeſaid, R. M. into ỹ meſſuage or tenement aforeſaid, did enter as lawful was for him to do. And now ſithēce ỹ making of the leas aforeſaid, the ſaid R. M. did often repaire & come to the houſe of the ſaid I. B. and by that meanes in ſhort time became very familiar with ỹ ſaid I. in ſomuch that he the ſaid I. being aged, and by reaſon thereof alſo lieth bedridde, & hath don for the ſpace of many yeres.

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And

And finding the said M. to be verie diligent and carefull about him the said I. for the recouerie of his health, did so affect the said M. as that he did wholly commit the custody and képing of all his euidences, leases, bondes, and billes, amongest which the counterpaine of the said M. his lease was. And vnlesse the said M. together with some of your said orators seruants haue secretly conueied and taken it away, as your said orator doth vehemently suspect, in that he wāteth ẏ same lease: by reaſō wherof he neither knoweth what conditions are contained in ẏ same, neither what penaltie, if the rent be behind, or whether there be any distresse for not paimēt of the rent, or else whether the lease be vtterly void, if the rent be not paid at a day certaine, & what other couenāts it containeth for prohibiting of wast to be done, as also for the repairing of the messuage or tenement aforesaid with nēcessarie reparations, with diuerse other couenāts to many good purposes specifyed in ẏ same lease. And for that also that the said counterpain is by some such indirect meanes as before is alledged, come vnto the handes of the said M. as also for that your orator through want thereof by the strict course of the common Lawes of this Land, cannot duelie punish the breach of all, or any ẏ couenants therein expressed, which on the said M. his part ought to haue bin performed, and kept for want of the said Counterpaine. May it therefore please your good Lordship &c.

SECTIO 107.

¶ *A bill for money for bonding with one, whose Executor the Plaintife is.*

AHumbly complaining, sheweth vnto your honorable Lordship your daily orator M. C. of B. in ẏ county of M. yeoman, executor of ẏ last wil & testāmt of D. C. his father. That wheras about the 1. day of June, which was in ẏ 18. yeare of ẏ raigne of our most gracious soueraigne Lady ẏ Quéne

Maiesties most excellent maiestie that now is, one W. S. of W. in the said countie Yeoman, at B. aforesaid, did put himselfe and A. then his wife to bord with the said D. C. the testator, and there to remaine so long with the said Testator, as it should please both the said parties, and ȳ said W. S. in consideration thereof, there faithfully agreed to pay, and satisfy for the same, vnto the said D. C. the Testator or his Executors, during such time as he and his said wife should remaine at bord with the said testator, so much lawfull English money, as the said lodging should be reasonablie worth, and at such time as he should be thereunto required. By vertue of which putting to bord, agreement, and faithfull promise, the said W. and A. his wife, were at bord with the said testator by the space of three whole yeares, or thereabouts, during all which time the said testator at his owne costes and charges did find vnto the said W. and A. conuenient, and necessarie meat, drinke, and lodging, and at sundry times Haie, and Grasse for the Horses of the said W. which bedding, haie, and grasse, by the said space of three yeares aforesaid, was reasonably worth fortie poundes at the least. Yet the said W. not ignorant of the premisses, nor regarding his said faithfull agreement, and promise, but immagining, and fraudulently intending the said D. C. the Testator, and your said Orator his Executor in this behalfe, craftily and deceitfully to deceiue and defraude: albeit he hath bin often times thereunto gently required by the said Testator in his life time, and by your said Orator, his Executor, after his death, hath not paied or satisfyed any thing vnto the said Testator in his life time, nor vnto your foresaid Orator after his decease for the same bording, meate, drinke, lodging during the foresaid time, that he and his said wife so remained at borde with the said Testator, according to his said faithfull promise, and agreement, but hath

euer

ever hitherto, denyed and refused therefore, to satisfy and pay the said Testator in his life time, your said Orator after his death, and yet doth deny and refuse to pay and satisfy your said Orator, for the same against all right, equitie, and good conscience, and to the hinderance of the Executor of the said last Will and Testament of the said Testator. In tender consideration whereof, and for so much as your said Orator hath none ordinarie remedie to recouer any thing for the said bonding, and promisses by the strict course of the common Lawes of this our Realme of England, as well for that it was not certainly agréed vpon betwéene the said W. and the said Testator, how much the said W. should yéeld for the same: as also for that the said Testator did so much credite W. that the said promise and agreement was priuately made betwéene themselues, no person being thereunto called that might witnesse the same, so that if happely the said W. will not vpon his othe in his aunswere hereunto in this honorable Court, confesse the said promise and agréement, as your said Orator verily thinketh he will, your sayd Orator is vtterly destitute of witnesses to make proofe thereof. Albeit that it be most true, that the said agréement, promise, and promisses was made and agréed vpon, as is aforesaid, which your said Orator hath sundry times heard the said testator say and declare: May it please your good Lordship, to graunt vnto your said Orator &c.

SECTIO 108.

¶ *A bill for not entering into bond to saue a fugitie harmlesse, according to promise.*

A IN most humble wise complayning sheweth vnto your honor, your daylie Orator R. P. of W. in the Countie of S. yeoman, That whereas one F. L. of S. in the said Countie of S. yeoman, did borow of one A. B. of S. in the

said

saide Countie of S. Gentleman, the summe of seauentéene poundes and twelue shillinges, of good and lawfull money of England, to, and for the onely vse of him the saide F. L. and of one R. L. of B. in the saide Countie of S. Yeoman, kinseman to the foresaide F. L. and for the true discharging and paiment of the foresaide summe of seauentéene poundes, and twelue shillinges, because the saide R. L. was a man estéemed to be of verie small credite, and altogether vnknowen vnto the saide A. B. therefore the foresaide R. L. earnestly requested, and desired of your saide Orator, being his néere neighbour, and of verie long acquaintance and familiaritie with him, to enter into bond with him the saide F. L. to the saide A. B. for the true paiment, and satisfaction of the foresaide summe of seauentéene poundes, and twelue shillinges, and if in case your saide Orator would enter into bond for him, then he the saide R. L. did faithfully promise, and affirme vnto your saide Orator to enter into a Counterbond vnto your saide Orator, to discharge, and saue him harmeleſſe against the saide A. B. his Executors and Administrators, of, and from all maner of actions, suites, arrests, quarels, troubles, molestations, and incumbrances whatsoeuer, which should or might arise by reason or meanes of the saide Obligation: whereupon your foresaide Orator (considering his great want and néede that the foresaide R. L. did at that time stand in) trusting to his faire spéeches and promisses, after long entreatie and request to him made your saide Orator did consent and agrée to become bounden with the saide F. L. to the foresaide A. B. for the paiment of the saide summe of seuentéene poundes twelue shillinges, so that your saide Orator might haue a counterbond from the saide R. L. to discharge and saue him harmeleſſe against the saide A. B. for and concerning the saide bond after which time, that is to say the 25. day of March,

March, in the xxix. yeare of the Raigne of our soueraigne Lady the Quenes Maiestie that now is, The said F. L. and your said Orator by their bill Obligatorie, did bind the said A. B. in the summe of xl. pound, of good and lawfull money of England, vpon this condicion indorced vpon the said Bill obligatorie, viz. that if the said F. L. & the said R. P. your said Orator, or either of them, their heires, executors, and administrators, of them, or of any of them, did well and truely content and pay vnto the said A. B. his executors and administrators, the said summe of xxvj. li. xj. s. of good and lawfull money of England, at, or vpon the xxv. day of March, in the yeare of our Lord God, one thousand fiue hundred eightie & eight, in the Church porch of S. betwene the howers of one and three of the clocke in the after none of the same day, that then the said Bill obligatorie to be void and of no effect, or els to stand in full force and vertue: But so it is right honorable, that the said summe of xxvj. li. xj. s. was not paied vnto the said A. B. at the time and place mencioned in the said Condicion, wherby the said bond of xl. pound, wherein the said F. L. and your said Orator were bounden to the said A. B. was, and yet continueth forfaited, the said A. B. being not paied nor agréed withall, by reason whereof, your ho. said Orator is like to grow to great trouble and suit of law for the said bond: And albeit your honors said Orator hath diuers and sundrie times sithence the making of the said bond, promise, and assumption, most earnestly requested the sayd R. L. to make vnto your honors said Orator a Counterbond, for the discharging and sauing harmeles of your said Orator, against the said A. B. for, and concerning the said bond, according to his said assumption and promise, yet that so to do, the said R. L. hath denied and refused, contrarie to all right, equitie, and good conscience: In tender consideration whereof, & for asmuch as your said said Orator hath

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no sufficient witnes and wordes of assumption to maintaine an action vpon this case at the common Law, meaning nothing but plainlie, wherby he is void of all remedie at the common Law: May it therfore please your honor, the premisses considered, to graunt vnto your said Orator, the M. Maiesties most gracious writ of Subpena, to be directed to the said R. L. &c.

SECTIO. 109.

¶ *A bill for making a false Affidauit for apparance.*

A I Most humble wise sheweth vnto your good Lordship, your Lo. Orator M. F. of L. gentiman. That wheras vpon suit heretofore and yet depending in this honorable Court, betwen your Lo. said Orator then plaintife, and one R. A. defendant in the said suit, a her Maiesties writ of Subpena was out of this said Court vnto the said R. A. directed, commaunding him thereby at a certaine day therein limitted, to appeare before your Lo. in this said Court, and to answere to your Lo. said Orator, in, and touching the said suit: Now so it is, and it may please your good Lordship, that the said R. A. not hauing any regard of her Maiesties saidprocess of Subpena, so to him directed, but seking deceiptfully and fraudulently to neglect and disobey the same, procured one E. B. his seruant, a verie lewd person and fit minister for such a purpose, to come vnto this honorable Court of Chauncerie, and there most corruptly, falsely, and periuriously, to swear and depose vpon the holy Euangelist, that the said R. A. at that time was lame and not able to trauell to this Court, without great daunger of his health, for that the paines of hys lamenes was such, that he was perswaded by his friendes to go to the Bath, being thirtie myles distant, from his dwelling house, or therabouts, and that he was gone to the said place with much a doe, and there remayned at the taking of his said Oath, wherein the said E. B. by the meanes, suborination, and procure-

procurement of the said R.A. hath most wickedly committed most wilful & corrupt periurie, Forasmuch as the said R.A. was at that time in very good and perfect health, abilitie, and soundnes of body, without any maner of lamenes or debilitie, so as he might haue very well traueled without hurt or danger of his health, and was at that time at C. and not at Bath, as the said E.B. in his said depositon most vntruely deposed. May it therefore please your good Lordship &c.

SECTIO. 110.

¶ *A bill to be relieued of an Obligation with condition, for that the money was payed accordingly.*

A TO most humble wise complaining sheweth vnto your good Lordship, your daily orator M. B. of F. in the countie of D. husbandman, and J. B. of A. in the same Countie husbandman. That where one M. B. of F. in the countie of S. gentleman, hauing need to vse and borow money for his necessarie accompts, entreated your said orator to borow of one M. E. of A. in the said countie of D. widow, the summe of xx. li which your said orator did according to the request of the said M. And for the repayment thereof to the said M. your said Orator, became bound to her the said M. by obligation, in the summe of fortie pounds with condition, for the payment of the said xx. li. at a day now past, which xx. li. he the said M. hath well and truely contented, satisfied, and payd to the said M. according to the condition aforesaid: Notwithstanding so it is, if it may please your good Lordship, that the said M. hath well and truely, contented, satisfied and paied to the said M, the said xx. li. according to the condition of the said Obligation, yet doth the said M. against all good dealing detaine the said Obligation in her handes, notwithstanding sundrie requestes made vnto her by your said Orator, for the redeliuerie

thereof, againſt all right, equitie, and good conſcience, minding as it ſhould ſeeme to put the ſame in ſuite, eyther againſt your Orator or his executors when opportunitie ſerueth. In tender conſideration whereof, and forasmuch as your ſaid Orator hath not any ordinary remedy by the courſe of the common Law, to compel the ſaid M. to deliuer the ſaid bond, or to cancell the ſame according as in right ſhe ought to do. May it therefore pleaſe your good Lo. to graunt &c.

SECTIO III.

¶ A bill for that the plaintife hath not according to promiſe, procured an acquitance for rents by him payed to the defendant by thappointment of his leſſor.

HImbly complayning ſheweth vnto your honorable Lordſhip, your dailie Orator I. M. of M. in the Countie of Yorke yeoman. That whereas about the firſt yere of the Raigne of the late king Edward the vi. one I. M. late father of your ſaid Orator was lawfully ſeiſed in his demeſne, as of fee, of, and in certaine lands and tenements with thappurtenances in S. and within the parith of S. in the ſaid Countie, and being thereof ſo ſeiſed, died therof ſo ſeiſed. By and after whoſe death the ſaid tenements and premiſſes with the appurtenances diſcended and came as of right they ought to diſcend and come to your ſaid Orator as ſonne and next heire of him the ſaid I. M. after whoſe death your ſaid Orator entered into the ſaid tenements and premiſſes with the appurtenances, and was thereof ſeiſed in his demeſne as of fee, and being thereof ſo ſeiſed, one meſſuage or tenement, one gardein, one orchard, one cloſe or croft, thereunto adioyning diuers lands, medowes and paſtures, parcell of the premiſſes, were aſ- A

ſigned

signed to A.M. late wife of the said I. M. deceased of the said lãds of her said husband by force wherof she was therof seised in her demeine, as of frehold, & she being thereof so seised afterwards, that is to say, about the vj. day of June, in the fowerth and fifth yeare of the raigne of king Philippe and Quéene Marie, by Indenture dated the day and yeare aboue said, graunted and to ferme did let vnto your said Orator the sayde landes, tenementes, and premisses to hold from the date of the said Indenture, vnto the end and terme of lx. yeres, if she shoulde so long liue, reseruing thereupon to her yerely during the sayde terme of lx. yeres, if she so long liue, three pounds of lawful English mony, which yerely rent of iij.li. your said Orator did well and faithfully pay vnto the said A. and her assignes vntill about the tenth yere of the raigne of our Soueraigne Ladie the Quéenes Maiestie that now is, at which time the said A. did graunt and assigne thirty shillinges yerely, parcell of the said yerely rent of iij. pounds, during her life, to one R. M. of C. in the Countie of D. Cutler. And afterwardes, that is to say, about the twentith yere of her Maiesties said raigne, the said A. for sundrie considerations did appoint the said R. to receiue the other xxx. shillings yerely, residue of the said yerely rent of three pounds to his owne vse. And your said Orator euer since the said graunt and appointment hath yerely paied vnto the said R. as well the said xxx. shillings rent, so to him graunted by the said A. as the said other thirtie shillings rent, residue of the said three pounds rent. In consideration whereof the said R. M. about the first day of June last past faithfully promised your said Orator to procure and deliuer vnto him sufficient acquitances of the said A. for all the said rents which the said R. had so, as is aforesaid, receiued of your said Orator by the appointment of the sayde A. And whereas further (if it may please your good Lordshippe) about the eighteenth day

of Aprill, in the xxviij. yere of the raigne of the Quenes Maiestie that now is, the said R.P. now being indebted to one W.S. of S. in the said countie Smith, in the summe of fifty and three shillings and fower pence, of English money, did entreate your said Orator to be suerty for him to the said W.S. for the payment of the said summe of iiij.s. iiij.d. to the said W.S. at the feast of Saint Bart. thapostle then next ensuing, which your said Orator did accordingly, in consideration thereof, your said Orator did then assume vpon himselfe, and vnto your said Orator faithfully promise, that if he the said R.P. did not well and truely pay vnto the said W.S. the said iiij.s. iiij.d. at the sayd feast of Saint Bartholomew, that then he the said R.P. would sufficiently convay and assure to your said Orator, the said yerely rent of xxx. shillings, to him as aforesaid, graunted by the said A. together with the said deed thereof, and afterwards the said R.P. did neither pay to the said W.S. the said summe of iiij.s. iiij.d. nor any part thereof, at the said feast of saint B. nor at any time since, nor did convay the said yerely rent of xxx. shillings, or deed therof to your said Orator according to his said promise. But altogeather contrarie to his owne promise hath procured the said A. to sue your Orator before the Quenes Maiestie, and her honorable Counsaile, established in the Northe parts, for xxb.li.x.s. as arrerages of the said yerely rent of three pounds, supposing the same to be behind and vnpayed by the space of eight yeres and a halfe, nowe last past, notwithstanding that your said Orator hath well and truely paied the same to the said R.P. as aforesaid. And the sayd R.P. although he hath bene often times gentlie required by your said Orator aswell to procure him the sayd acquitance of the said A. for the said rent of three poundes, as to make assurance of the said yerelie rent of thirtie shillinges, to him by the saide A. graunted, yet that to doe, he hath euer hitherto denyed,

and

and refuſed, and yet doth deny to do the ſame, againſt all right, equity and good conſcience, & to the great hinderance & loſſe of your ſaid oratour. In tender conſideration wherof, and for ſo much as the ſaid agréements, promiſes, and paymets of the ſaid rents were priuately made betwéen your ſaid oratour, and the ſaid R.M. without any witneſſes therof, for that your ſaid oratour repoſed ſo great truſt in the ſaid R.M. being his natural brother, that he called no man to beare witnes thereof, ſo that he can haue none ordinarie meanes by the due courſe of the common Lawes of this Realme, but is altogether remedileſſe to obtaine or recouer any recompence or damages thereof, vnleſſe the ſame R.M. wil confeſſe the ſame to be true in his anſwere hereunto, as your ſaid oratour verily thinketh, that he will. It may therefore &c.

SECTIO III.

¶ *A Bill for that the defendant, for whom the plaintife was ſuertie to pay certaine money, did neither pay the ſaid money, nor ſaue the plaintife harmeleſſe.*

AHTmbly complaining ſheweth vnto your honorable Lo. your daily oratour H. H. of C. in the Countie of D. yeoman. That whereas about the viij. day of October, in the xrij. yere of the raigne of our ſoueraigne Lady the Quéens moſt excellent Maieſtie that nowe is, your ſaid oratour, at the earneſt requeſt of one H.C. of C. in the ſaid county yeoman, and R.C. his ſonne, for and with the ſaid H.C. did enter and become bounden vnto H.S. of C. aforeſaid yeoman, in one obligation or bond of xl.li. of lawful Engliſh money thereupon indorced with Condition, that if the ſaid H. H. and H.C. or either of them their executors, adminiſtrators or aſſignes, or any of them, did wel and truly pay or cauſe to be payed, vnto the ſaid H. S. his executors or aſſignes, the ſumme of twentie pounds of lawfull Engliſh money,

in the ninth day of October, which then should be in the yere of our Lord God 1581. at the now dwelling house of the said H.S. in E. aforesaid, that then the said obligation, should be void and of none effect. And the said H. C. and R.C. in consideration thereof, did then and there assume vpon them selues, and vnto your said orator did faithfully promise, that the said H.C. the summe of xx.li. vnto the said H.S. vpon the said ninth day of October in the yere of our Lord God 1581. would well and truely pay, or cause to be paid, according to the said condition of the said obligation. And that the said H.S. and R. C. would from time to time, & at all times thereafter, saue & keepe harmelesse, and indempnified your said Orator against the said H.S. of, for and concerning the said bond of fourtie poundes, and of, for and concerning all actions, suits, and troubles to be had or commenced against your said Orator, for, or by reason of the said bond of xl li. And also that they the said H. C. and R. C. would forthwith haue bin bounde vnto your said Orator by their sufficient Obligation in the summe of fowerscore pounds, for the so sauing harmeleſſe of your said orator against the said H.S. as is aforesaid. But now so it is, if it may please your honorable Lordship, that the said H.C. intending your said orator in this behalfe, craftilie and subtilly, to defraud and deceiue, hath neither paid vnto the said H.S. the said xx.li. the said ninth day of October in the said yere of our Lord God 1581. according to the effect and meaning of the said condition, nor at any time sithence, nor the said H.C. and R.C. haue become bounden vnto your said Orator in the said obligation of fowerscore pounds, to saue your said Orator harmeleſſe against the said H.S. as is aforesaid, albeit that your said Orator hath sundry times greatly required them, and either of them so to do, & the same to do, haue euer hitherto refused, and yet do refuse and deny to do the same against all right, equitie, and good conscience, contrary to their faithfull promise

and

and aſſumption aforeſaid, ſo that your ſaid Orator is likely verie ſhortlie to be enforced to pay vnto the ſaid H. C. and R. C. or either of them, which would be to the great damages and hinderance of your ſaid Orator, if ſpeedy remedie be not in this behalfe by your good Lordſhip in due time prouided to preuent the ſame, wherefore and for as much as your ſaid Orator geuing faith and credite to the ſaid promiſe and aſſumption of the ſaid H. C. did take their ſaid promiſe and aſſumption of them, without calling any witneſſe to them to heare the ſame, ſo that your ſaid orator for want of ſuch witneſſes hath no remedie by the common lawes of this Realme, nor otherwiſe to make them performe the ſame promiſe and aſſumption, vnleſſe the ſaid H. C. and R. C. do confeſſe the ſame in their anſwere in this honorable Court, as your ſayd Orator verily thinketh they will. May it &c.

SECTIO 113.

¶ *A Bill for entitling himſelfe to the ſoyle of a common, and for ſelling of woods therein growing.*

A I N moſt humble wiſe complaining ſheweth and complaineth to your honour, your daily Orator R. G. Clarke, Prebendarie of the Prebend, commonly called the Prebend of the Ouerhall in Norwell, in the collegiate Church of Southwell in the Countie of Nott: That whereas your ſaid orator was, & is ſeiſed in his demeſne as of fee, in the right of his ſaid Prebend, of, and in one Manor in Norwell, in the ſaid Countie, whereof certaine woody groundes and ſpringes, being moſt commonly open, and the herbage thereof, taken and vſed as common by the tenants and other inhabitants of the ſame Manor and towne of N. aforeſaid is parcell. And the tenants and inhabitants of the ſame Manor and towne of N. aforeſaid, as

tenants of the same manor. And other tenants and inhabitants within the townes and villages of C. and K. that is to say, by them as Commoners, because of Vicinage, by reason of which said wooddy and spring of groūds, vsed as common, as is aforesaid, part whereof is parcel of the said Manor of N. containing by estimation xx. acres, extending in length from a certain Oke trée, being a boundary Oke betwixt the same and such other like grounds, being parcel of an other Prebend in the collegiate Church of S. aforesaid, commonly called the Prebend of the Neatherhall or Palice hal in N. aforesaid, and from thence extendeth a long, by a place where thrée trées lately there did grow, commonly called the thrée Bréethren, and so from thence a long by a Meare, which is as it had bin an auncient drie ditch cast vp as it were, or had bin a méere Southward betwixt the seueral Lords and owners of the landes in that place, that is to say, first Eastwardes, betwéene the Lord and owners of the same landes, and the Mannors and Lands of Caunton and Bestthorp, and Westwarde vnto the Manor of Kirksall, and from thence downeward West vnto the parke pale of K. and by the same parke pale Northwarde by a certaine litle riuer or rendall of water, vnto certaine of the like lands and tenements of the said other Manor of P. aforesaide, and so Eastward vpward vnto the foresaid auncient Oke, which said parcell of ground, one R. W. & F. B. gentlemen, and one R. T. yeoman, pretending to haue seuerall Manors in C. aforesaid. And hauing diuers déedes, Charters, euidences, boundaries, terrers, and muniments, concerning the premisses of Right belonging to your sayd Orator, casually or by some sinister meanes come to their handes, do not onely claime the same to bée parcell of their said seuerall Mannors, But also vnder pretence of their sayde pretended and vncertaine claime, not onely some of them, but also diuers other vnder the Colour or permission

mission of some of them hath cutt, and caused to be cutt downe the most part of the best trees growing vpon the said percell of wood grounde, as in truethe, all that was felled, did growe there in a corner thereof towards the East part containing like 12. acres, and that in absence of your said Orator, then being, and yet remaining a student in the Universitie of Cambridge, that is to say, a fellow of Sidnie and Caius Colledge, and not so contented, but considering your said Orators absence, daily and continually, both continue their former claime to the said ground within ȳ meres and boundes aforesaid, and so do cut downe, and cause to be cut downe the residue of the wood there growing, and so will verie shortly leaue none there. And also by colour and reason of the said permission, they wil shortly by such indirect meanes and practise, win, and get the freehold, and inheritance thereof to them, as they haue in other the wastes, common, & like grounde, within the manor, of, or in C. or at the least, haue none able to testify the contrarie, whereas now in truth there are diuers and sundrie sufficient and ancient witnesses, being verie aged, and some of them very impotent, that can and will trauell so far as they are able to trauell, to testify vpon their oathes the truth of the premisses in maner and forme as before in effect is alledged, and more for the better proofe of your said Orators right, in, and to ȳ said last recyted premisses, if cause and neede shall so require, and that the said R. W. F. B. and R. T. vpon their answere vnto the matters in this bill of complaint, wil not confesse the truth therein, as it is most credibly to bee presumed, they will, and the rather, for that, if they wil deny the same, they know in proceeding vpon their answeres to this bil, all the whole truth concerning the premisses must be examined by depositions of witnesses, and their depositions, if order presently be not taken of ȳ same, shal and may remaine of record in perpetuam rei memoriã,

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to do further therein, as by this Honorable court ſhall be awarded, wherefore the premiſſes tenderly conſidered, and alſo the incertaintie, whether the ſaid R. W. F. B. and R. L. or any of them will confeſſe the whole truth, concerning the right and title of your foreſaid Orator to the ſame. And the wrong and dammage by them, and other by their meanes and conſent to him done. And if they ſhould not, the vncertaintie whether that the foreſaid auncient, aged, and impotent, perſons, or any of them that now be liuing, and can teſtify the truth concerning the ſame ſhall be liuing when the ſame ſhall come in triall, at, or by the courſe of the common Lawes, to whom the right of the freehold, and inheritance thereof doth of right belong, ouer and beſides the further impotencie, that they or moſt of them may haue at ſuch time and times, to trauell to witneſſe and teſtifye the truth concerning the premiſſes, with this, that your ſaid Orator doth not know the certaine date or dates of the ſaid deedes, charters, euidences, boundaries, terrers, minuments, or wherein the ſame be contained, whether in bagge, or bore, ſealed, or locked, or otherwiſe, and ſo without remedie for the recouerie of the ſame, and redreſſe for the wrong aboue ſaid, at, or by the order of the common Lawes of this Realme. It may therefore &c.

The Forme of a Reioinder.

SECTIO. 113.

¶ *The Reioinder of R. W. gentleman defendant to the Replication of G. W. Complainant.*

THe ſaid defendant for reioinder ſaith, that his ſaid anſwere is certaine and ſufficient in the Law, to be replyed vnto, and doth and will averre, maintaine, and proue all and euerie clauſe, article, and ſentence therein contained to be good, iuſt and true, in ſuch maner and forme as in B

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the ſaid anſwere is truely ſet forth and declared, and that the ſaid replication is verie incertaine, vntrue, and inſufficient in the law to be reioined vnto, for ſundrie vntruths, and imperfections compriſed within the ſaid Bill and replication, as this ſaid defendant ſhall be able hereafter to manifeſt and declare more at large in this Honorable Court, vpon the hearing of the ſame cauſe, without that, that there is any other matter or thing materiall, or effectuall in the ſaid replication contained, and in this reioinder not ſufficiently anſwered vnto, confeſſed, and auoided, trauerſed or denied is true. All which matters the ſaid defendant is readie to auerre and proue, as this honorable court ſhall award, and praieth as he before in his anſwere hath praied.

SECTIO. 114.

¶ *A Bill againſt the Executors, for that the Teſtator did not deliuer ſpecialties paid, whereupon they threaten to ſue the Plaintife.*

A TO moſt humble wiſe complaining, ſheweth to your good Lordſhip your pore and dailie Orator G. N. of T. in the Countie of W. yeoman, that whereas your ſaid Orator about the moneth of Januarie, in the 30. yeare of the raigne of our Soueraigne Ladie Elizabeth, the Quenes Maieſtie that now is, by his ſeuerall bondes, or writings obligatorie became bound to one N. W. now deceaſed, for the paiment of ſeuerall ſummes of money vnto the ſaid N. All which ſaid ſummes of money, and euery parcel therof your ſaid Orator hath truely ſatiſfyed and paied to the ſaid N. W. in his life time, according to the purport and effect of the ſaid ſeuerall bondes and writinges obligatorie, not taking any of the ſpecialties, or any acquittance or diſcharge frō the ſaid N. W. for the ſame, but only truſted ẏ words of ẏ ſaid N. W. who faithfully promiſed your ſaid Orator

to

to send the same specialties to your said Orators house, at Totley aforesaid, or sufficient acquittance for the same. But now so it is, if it may please your good Lordship, that since the death of the said N.D. the said Obligations and writings obligatorie are come to the handes and possession of N.C. of S. in the countie of Y. yeoman, and T.C. of S. aforesaid yeoman, who by colour of having thereof, haue now of late in their owne names as executors to A.D. late wife of the said N.D. and executrix of the last will and testament of the same N. commenced suite in his maiesties court of common pleas at Westminster, against your Lordships said poore orator, vpon one of the said obligations or writings obligatorie of the summe of twelue pounds or thereaboutes, indorsed with condition for the paiment of fiue poundes, at a day mencioned in the same condition, and do threaten to put the residue of the said specialties in suite against your said orator, meaning, and intending thereby to recouer against your said orator the penalties of the said seuerall obligations, and writings, who hath alreadie paied the principall and due debtes to the said N.D. in his life time as aforesaid, which is contrarie to all right, equitie, and good conscience: in consideration whereof, and for as much as your Lordships said Orator hath not any witnesses now liuing, that can testify the paiment of any of the said summes of money, or any part or parcell thereof, and therefore can not plead any matter in bar at the common law to the said actions alreadie commenced by the said C. and C. whereby your said orator, by the strict course of the common lawes of this Realme is altogether remediesse, vnlesse your Lordships accustomed goodnesse be to your said poore Orator extended. May it therefore please your good Lordship, &c.

Sectio 114.

SECTIO 115.

¶ A Bill againſt executors vpon a priuate promiſe made by their teſtator, retaining an Atturney to proſecute and defend ſuites. for himſelfe and others, alledging that the executors haue waſted the Teſtators goods. &c.

AHTumbly complaining, ſheweth vnto your Honorable Lordſhip, your daily Orator W. W. of F. in the countie of P. gentleman, one of the Atturneis of the Q. Maieſties court of common plees, before hir Highneſſe Iuſtices, to be holden of the ſame court, that whereas one I. M. of T. neere N. in the countie of Nottingham eſquire, deceaſed, in his life time, that is to ſay, about the terme of the holie Trinitie, which was in the yeare of our Lord God 1586. did retaine the ſaid W. W. to be of councell with him the ſaid F. M. to proſecute and defend diuers and ſundry ſuits plees, and buſineſſes, to be done, and had in the ſaid court of common plees, as well for the ſaid F. M. as for diuers others, his then ſeruants, bailifes, and tenants, and namely for the ſaid I. M. againſt R. E. in a writ of Repleuin for three kine of the ſaid R. ſuppoſed to be vniuſtly taken and detained by the ſaid I. M. And for the ſaid I. M. againſt H. T. in a Repleuin of the ſaid H. for fiue Oxen ſuppoſed to be taken, and vniuſtly detained by the ſaid I. M. And for the ſaid I. M. againſt I. H. in a Repleuin for two kine of the ſaid I. H. ſuppoſed to be taken and vniuſtly detained by the ſaid I. M. And for the ſaid I. M. againſt E. S. in a Repleuin of certaine cattell of the ſaid E. ſuppoſed to be taken, and vniuſtly detained by the ſaid I. M. And for R. R. and W. S. againſt R. L. for three Oxen of the ſaid R. H. ſuppoſed to be take and vniuſtly detained by the ſaid R. R. and W. S. And for I. S. and R. S. againſt H. T. alias W. in a repleuin, for certaine beaſtes of the ſaid H. S. ſuppoſed to

be

be taken and vniustly detained by the said I. S. and R. S. And for R. R. and W. S. against R. H. in a Repleuin of diuers beastes of the said R. H. supposed to be taken and vniustly detained by the said R. R. and W. S. And for I. S. and T. W. against T. E. in a Repleuin of certaine beastes of the said T. E. supposed to be taken and vniustly detained by the said I. S. and T. W. And for the said I. S. and T. W. against the said R. E. in an other Repleuin of certaine other beastes of the said R. E. supposed to be taken and vniustly detained by the said I. S. and T. W. taking for his fée & labour for euery one of ỳ said plées and businesse so as is said in the same court by him to be prosecuted and defended for euerie terme, in which your said orator should so be atturney for him or them or any of them, 3. s. 4. d. And besides that fée, all reasonable costs, and expences about the prosecution of the same suits, plées, and businesses, as for the writing of writs, sealing of them, & drawing and entring of plées and warrants of atturney & also for all other things in that behalfe, by him your said orator be laid forth and expended, and in cõsideration therof, he the said F. M. did about the same time, assume vpon himselfe, and vnto your said orator faithfully promise, wel & truely to content, satisfy, & pay vnto your said orator whẽ soeuer he should be therunto required by your said orator, aswel the said fée of 3. s. 4. d. for euery of ỳ said suits plées, & businesses so to be prosecuted, as also all the said costes, & expences, so as is aforesaid, to be laid forth in that behalfe: by reason of which reteiner and promise, so as is aforesaid made, your said orator was of counsail with the said I. M. and the said other persons in the said suits, and plées in the said court, by the space of 8. seueral termes next insuing ỳ said retainer, and during the said time, did prosecute & sue for and defend diuerse suits & writs, aswel iudiciall as original as by the records thereof remaining in the said court appeareth, by reason wherof your orators fées for the prosecution

secution, and defending of the said suits, or pleas by the said time did amount vnto x.li. or thereabouts, besides ỳ costes and expences laied out by him in the same, which costes & expences laied out by your Lo. said Orator, did amount vnto viii.li. xix.s. ix.d. which were behind, & vnpaied vnto your said Orator, by meanes whereof action accrued vnto your said Orator to demaund and haue of the said I. M. in his life time ỳ said summe of viij.li. ix.s. and ix.d. and of the said A. M. vnto whom the administration of all the goods & chattels which the foresaid I. M. at the time of his death were after his death lawfully committed, yet therefore ỳ said I. M. in his life time the said summe of viij.li. x.s. & ix. d. nor any penie therof though often times in his life time thereunto by your said Orator required, or ỳ said A. M. his administrator after his death, notwithstãding ỳ the goods & chattels which were the said I. M. be sufficiẽt for ỳ paiment of the said xiiii.li. x s. ix.d. vnto your said Orator, & of al other debts which ỳ said I. M. ought to haue paid, did come to ỳ possession of ỳ said A. M. & stil remaine in ỳ possession of her the said A. M. or of such person & persons, vnto whõ she hath yelded, left, or delinered ỳ same, notwithstãding ỳ she hath sundry times since ỳ death of the said I. M. bin greatly required by your said Orator to pay to him ỳ same xiiii. li. x.s. ix.d. or any part therof, hath not yet paid & contẽted, but the same to content and pay hath euer hetherto denied and refused, and the said A. doth yet deny and refuse to pay the same, therof intending vtterly to defraud & deceiue your said Orator against all right, equitie, & good conscience, notwithstanding also that she ỳ said A. M. hath hir selfe at sundrie times heard the said A. M. in his life time promise that he would pay vnto your said Orator all such summes of money, as were behind vnto your said Orator, and notwithstanding also, that she well knoweth, that the foresaid summe of viij. li. x. s. and ix. d. due vnto your said Orator by the aforesaid I. M. in his life, by reason that

she

she hath sent a perticular bill thereof, which was sent and deliuered to him in his life time by your said Orator, and notwithstanding also, that shee hir selfe since the death of the said I. M. did assume, and faithfully promise to pay vnto your foresaid orator, all such money as was due vnto him at the said time of his death, if she the said A. M. did take vpon hir the administration of his goods, & chattels, which shee hath done as is said. All which things she the said A. hath done partly by their own iniurious mind, but chiefly by the wicked and sinful perswasion of R. M. gentleman hir sonne, by whose counsaile and perswasion she hath closly and secretly conuaied away a great part of the said goods being of very great value, to diuers places and persons, to your said orator vtterly vnknowen, and left the same out of the Inuentorie of the said I. M. his said goods which she hath exhibited: and also hath caused such goods and chattels, as be mentioned in the said Inuentorie, to be praised much vnder the value thereof, and a great part thereof to be set downe therein so confusedly, and inconuenientlye, that it cannot wel be knowen, either what the be, or of what value. And furthermore shee the said A. by the like sinister counsaile, and perswasion hath consented & caused one H. B. and T. C. & diuers other persons being hir especiall frendes couetously to commence diuers and sundry fraudulent actions of debtes, and executions, against hir as administratrix of, and to the same I. M. suffering hir selfe therein to be conuicted and condemned, though in verie truth either nothing or verie little was due vnto them, and in a maner nothing at all taken of hir by them, by vertue of the said actions, and executions, to the intent thereby to dasle the eies of your Orator, and of other the creditors of the said I. M. not knowing the truth of the same vngodly deuises, intending by such meanes to defraude and defeat your said orator, and the rest of his said creditors, of ỳ moste part of their seuerall debts,

debts, with their vnlawfull practizes, are like to be to the great losse and hinderance of your said Orator, if spedie remedie be not by your good Lordships meanes prouided, to mete & preuent the, with the said vnconscionable & vniust dealing in the premisses, for that the promises and assumptions of the said I. M. and A. M. were made secretly and priuately vnto your said Orator, no persons being present with them at the making of the said seuerall promises, nor any man lyuing which can testifie ỳ same, so that your said Orator for want of such proofe thereof, as is requisite by the strict course of the common Lawes of this Realme, is altogether remediles, if it be not by thorder of this honorable Court, wherein your Lo. said Orator hopeth, and euer thinketh, that she the said A. M. in her answere to the premisses, vpon her corporall Oath will confesse the same, to be in effect, as it is herein set forth and disclosed: May it therefore please &c.

SECTIO 116.

¶ *A Bill for diuers Euidences.*

A HUmbly complayning sheweth vnto your Lordship, G. Earle of S. That whereas the said Earle is lawfullie seised in his demesne as of fee, of, & in the manor of S. in the Countie of P. & in the hundred of S. with thappurtenances in the Countie of D. and of, and in the Castle and manor of S. with thappurtenances in the County of P. and of the Castle and manor of B. in the countie of D. and of, and in the Castle and manor, and hundred of B. in the Countie of D. with thappurtenances, and of, and in diuers messuages, lands, tenements, hereditaments, franchises, and liberties, to the said seuerall manors and hundreds belonging: Now so it is, if it may please your good Lordship, that diuers and sundrie Court rolls, charters, euidences, exemplifications of recordes, extractes, terriers, pleadings,

writings, and muniments, concerning the said seuerall manors, hundreds, and premisses with thappurtenances, and of right belonging vnto the said Earle, and whereby the said Earle should make his title vnto the said manors, hundredes, liberties, and premisses with thappurtenances, or to the most part thereof, are by casuall meanes come vnto the hands, custodie, and possession of one N. C. of S. in the Countie of D. And albeit that the said Earle hath sundry times sent vnto the said N. C. gentlie requiring him to deliuer vnto the said Earle the said Court rolls, charters, euidences, exemplifications of recordes, extractes, pleadinges, writinges, and muniments, yet that to do, the said N. hath euer hitherto vtterly denied, and yet doth denie to do the same, against all right, equitie and good conscience: In tender consideration whereof, and for so much as the said Earle knoweth not the certaine dates, and other the certainties of the said dedes, charters, euidences, exemplifications &c. neither wherein they, or any of them be contayned, and therefore haue not any ordinarie remedie by the common Lawes of this Realme, to recouer the same dedes, euidences, &c. or any of them, and wanting the seme dedes, &c. is in daunger to lose many franchises, liberties, and commodities belonging to the said seuerall manors, hundredes, and premisses: May it therefore please your honorable Lordship, to graunt vnto the said Earle, the Quenes Maiesties most gracious writ of Subpena, to be vnto him directed, to appeare before your honorable Lo. in her Maiesties high Court of Chauncerie &c.

SECTIO 117.

¶ A Bill

¶ *A Bill for not making of an assurance of landes according to a couenant, alleaging the Indenture therof, to be come to the def. hands, and that some of the def. were within age at the making of the same Indenture.*

A COmplaining sheweth vnto your honorable Lordship, Gilb. Earle of S. Sonne and heire of the right honorable George late Earle of S. deceased, and administrator of the goodes and chattells which were the late Earles at the time of his death, That whereas about the Moneth of September, which was in the two and thirtieth yeare of the Raigne of the Queenes most excellent Maiestie that now is, one R. E. of H. in the Countie of D. gentleman, was seised in his demesne as of fee, of, and in one Annuitie or yearely Rent charge of twentie poundes by the yeare, issuing and going forth of certaine landes in B. in the said Countie of D. and of, and in one other Annuitie or yearely rent charge of fortie Markes by the yeare, issuing & going forth of certaine landes tenements in B. aforesaid. And where also he then had to him & his heires, to thuse of him and his heires for euer, by conueyance from one P. B. Esquier, one melting house and certaine ground then latelie vsed to the same. And where further the said R. E. by conueyance from the said P. B. then had to him and his heires for euer, the Tyeth of the Corne and Hey renewing, comming, or growing within B. aforesaid, or els where within the seuerall parishes of D. or S. or eyther of them, in the said Countie of D. And where also one T. E. sonne and heire apparant of the sayd R. E. then also had by conueyance from the said P. B. to thuse of the said T. E. and his heires for euer, dyuers and sundrie landes, tenements, and hereditaments with the appurtenances in B. aforesaid. And where also one G. E. second Sonne of the said R. E. then had by conueyance from the said P. B. vnto thuse of the said G. E. his heires & assignes for euer, the manor of B. with thappurtenances,

and diuers lands, tenements, and hereditaments with the appurtenances, as by seuerall conueyances of the said seuerall tenements, things, and premisses, to the said R. T. and G. before that time seuerally made appeareth: by force whereof they were therof lawfully seised seuerally in their seuerall demesnes as of fée, And being thereof so seised, they the said R. E. T. E. and G. E. for a certaine summe of money to them well and truelie paied by the said late Earle, and for other considerations them then especially mouing, by Indenture bearing date, in or about the said moneth of Sept. in the two and thirtieth yeare aboue said, made betweene them on thone partie, and the said G. late Earle of S. on thother partie, did fully, frælie, and absolutely alien, graunt, bargaine, and sell vnto the said G. late Earle of S. his heires and assignes for euer, the said manor of B. with all his rights, members, and appurtenances in the said Countie of D. And all and singuler messuages, toftes, cotages, houses, &c to the said manor of B. belonging, or in any wise appertayning, And all other the messuages, landes, tenements, rents, reuersions, seruices, and hereditaments of the said R. T. and G. E. and of euery of them, whatsoeuer, scituate, lying &c. Together with all the reuersion and reuersions, remainder and remainders, of all and singuler the premisses, and euery part therof with thappurtenances, and all the estate, right, title, interest, claime, vse, possession, and demaund, of them the said R. E. T. E. and G. E. and of euery of them whatsoeuer, of, in, and to the said manor, messuages, landes, tenements, hereditaments, and other the premisses before mentioned, and of, in, and to euerie part thereof: Excepting and reseruing one graunt made by the said P. B. to the said R. his heires and assignes for euer, of common of pasture for all &c. To haue and to hold the said manor, landes, tenements, and premisses with thappurtenances, (except before excepted) vnto the said G. late

Earle

Earle of S. his heires and assignes for euer, to the onely vse of him the said late Earle, his heires and assignes for euer: And in consideration of the premisses, the said late Earle by the sayd Indenture of bargayne and sale, did graunt vnto the said R. E. hys heires and assignes for euer, to thonely vse of the said R. his heires and assignes for euer, one Annuitie or yearely rent charge of one hundred poundes, of lawfull English money, to be issuing and going out of all and singuler the said manor, lands, tenements, and premisses, (except before excepted) and except such lands, tenements, and hereditaments as were then assured or conueyed for the Jointure of the right honorable Elizab. then, and yet Countesse of S. to be paied at the feast of S. Mich. tharchangell, and the Annunciation of the blessed virgin Marie, by euen portions, or to this or the like effect and meaning, as in, and by the said Indenture of bargaine and sale amongst other things plainly appeareth, the precise contents wherof, this complainant cannot more certeinlie set downe, for want of the said Indenture. And whereas also (as thys Complainant hath heard) it was in, and by the said Indenture of bargaine and sale conenanted and graunted on the part of the said R. E. T. E. and G. E. to and with the said G. late Earle of S. this complaynants said late father, his heires and assignes, and euery of them, that they the said R. E. T. E. and G. E. their heires and assignes, and euery of them, other then such person and persons for the time being, whose estates and interests are in the same Indenture excepted, their executors, administrators, and assignes, and euery of them, in respect onlie of the same estates and interestes so excepted, and euery of them, should and would at all times hereafter, for, and during the space of certeine yeares, next insuing the date of the said Indenture of bargaine and sale, now almost ended and expired, at, and vpon the lawfull and reasonable request, and at the costes

and charges in the law of the said late Earle, his heires or assignes, or some of them do make and knowledge, and suffer, cause, and procure to be done, made, and knowledged, all and every such further, lawfull, and reasonable act and actes, thing and thinges, deuise and deuises in the law whatsoeuer, for the further and more better assurance, suertie, and sure making and conueying of the said manor of B. and the messuages, lands, tenements, and premisses wyth thappurtenances, in the said Indenture mencioned to be bargayned and sold, (except before therin excepted) vnto the said late Earle, his heires and assignes, to the onely vse and behalfe of the said Earle, hys heires and assignes for euer, according to the true intent and meaning of the said Indenture, were it by fine, feoffement, recouerie, deede, or deedes inrolled, the inrolment of the said Indentures, release, confirmation with joint or seuerall warrantie of the said R. E. T. E. and G. E. their, and euery of their heires against them the said R. E. T. E. and G. E. their, and euery of their heires and assignes, and euery of them, and against all and euery other person and persons whatsoeuer claymyng, in, by, from, or vnder them, or any of them, or otherwise wyth like warrantie, or without warrantie, as by the said Earle, his heires or assigns, or his or their counsel learned in the Lawes, should be deuysed, aduised, and required, so as none of the said actes or things concerning the said further assurance should stretch or extend to any other or further warrantie or warranties of the premisses, or any part thereof, then as is before expressed, or to that effect and meaning, as in the same Indenture of bargayne and sale appeareth: But now so it is if it may please your honorable Lordship, that at the time of the making of the said Indenture of bargaine and sale vnto the sayd late Earle, the said T. E. and G. E. were within and vnder thage of one and twentie yeares: And shortly after the making of the said Indenture, and before

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the same was either knowledged or inrolled, or any estate executed thereupon, by Attornement, Liuerie of seisin, or otherwyse, that is to say: vpon, or about the seauenténe day of Nouemb. next insuyng the making of the said Indenture, the said G. late Earle of S. died, by, and after whose death, the ryght to haue and inherite the said manors, landes, tenementes, and premisses with the appurtenances, discended and came, as of right the same ought to discende and come vnto this Complaynant, as hys eldest sonne and next heire, shortlie after whose death, the administration of all the goodes and chattels of the saide G. late Earle of S. was by the right Reuerend father in God, I. by the prouidence of God Archbishop of Canterbury, Primate and Metropolitane of all England, committed to this Complaynant now Earle of S. who administred the said goodes and chattells accordinglie. And further so it is, if it may please your good Lordship, that the part or counterpane of the said Indenture of bargaine and sale belonging to the said late Earle, is since the death of the said late Earle by casuall meanes comen to the handes, custodie, and possession of the sayd R. E. T. E. and G. E. or of some of them, or of some other person by theyr priuitie and consent, the full contents whereof are vtterlie vnknowen to this Complaynant, by colour whereof, and for that the said T. E. and G. E. were so, as is aforesaid, within age at the making of the sayd Indenture, they the said R. E. T. E. and G. E. hauinge a great desire to haue the said manors, landes, tenements, and bargained premisses, and thereof to disinherite and defeat this Complaynant, contrarie to the true intent and meaning of the said Indenture: Notwithstanding that this Complaynant hath yearely sithence the making of the said Indenture, well and truely satisfied and paied vnto the said R. E. the said annuitie or yearely rent charge of one

and charges in the law of the said late Earle, his heires or assignes, or some of them do make and knowledge, and suffer, cause, and procure to be done, made, and knowledged, all and every such further, lawfull, and reasonable act and acts, thing and thinges, deuise and deuises in the law whatsoeuer, for the further and more better assurance, suertie, and sure making and conueying of the said manor of B. and the mesuages, lands, tenements, and premisses with thappurtenances, in the said Indenture mencioned to be bargayned and sold, (except before therin excepted) vnto the said late Earle, his heires and assignes, to the onely vse and behoofe of the said Earle, hys heires and assignes for euer, according to the true intent and meaning of the said Indenture, were it by fine, feoffement, recouerie, deede, or deedes inrolled, the inrolment of the said Indentures, release, confirmation with joint or seuerall warrantie of the said R. E. T. E. and G. E. their, and euery of their heires against them the said R. E. T. E. and G. E. their, and euery of their heires and assignes, and euery of them, and against all and euery other person and persons whatsoeuer clayming, in, by, from, or vnder them, or any of them, or otherwise with like warrantie, or without warrantie, as by the said Earle, his heires or assigns, or his or their counsel learned in the Lawes, should be deuysed, aduised, and required, so as none of the said actes or things concerning the said further assurance should stretch or extend to any other or further warrantie or warranties of the premisses, or any part thereof, then as is before expressed, or to that effect and meaning, as in the same Indenture of bargayne and sale appeareth: But now so it is if it may please your honorable Lordship, that at the time of the making of the said Indenture of bargaine and sale vnto the sayd late Earle, the said T. E. and G. E. were within and vnder thage of one and twentie yeares: And shortly after the making of the said Indenture, and before

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the same was either knowledged or inrolled, or any estate executed thereupon, by Attornement, Liuerie of seisin, or otherwyse, that is to say: vpon, or about the seauentéene day of Nouemb. nert insuyng the making of the said Indenture, the said G. late Earle of S. died, by, and after whose death, the ryght to haue and inherite the said manors, landes, tenementes, and premisses with the appurtenances, discended and came, as of right the same ought to discende and come vnto this Complaynant, as hys eldest sonne and next heire, shortlie after whose death, the administration of all the goodes and chattels of the saide G. late Earle of S. was by the right Reuerend father in God, J. by the prouidence of God Archbishop of Canterbury, Primate and Metropolitane of all England, committed to this Complaynant now Earle of S. who administred the said goodes and chattells accordinglie. And further so it is, if it may please your good Lordship, that the part or counterpane of the said Indenture of bargaine and sale belonging to the said late Earle, is since the death of the said late Earle by casuall meanes comen to the handes, custodie, and possession of the sayd R. E. T. E. and G. E. or of some of them, or of some other person by theyr primitie and consent, the full contents whereof are vtterlie vnknowen to this Complaynant, by colour whereof, and for that the said T. E. and G. E. were in, as is aforesaid, within age at the making of the sayd Indenture, they the said R. E. T. E. and G. E. hauinge a great desire to haue the said manors, landes, tenements, and bargained premisses, and thereof to disinherite and defeat this Complaynant, contrarie to the true intent and meaning of the said Indenture: Notwithstanding that this Complaynant hath yearely sithence the making of the said Indenture, well and truely satisfied and paied vnto the said R. E. the said annuitie or yearely rent charge of one

hundred poundes by the yeare, in the ſaid Indenture mentioned, according to the tenor, forme, and effect of the ſame Indenture, (as this complaynant verilie thinketh.) And notwythſtanding that this Complaynant hath ſundrie times, aſwell by himſelfe, as by diuers other of his ſeruants and friendes in his behalfe, ſent and come vnto the ſaid R. E. T. E. and G. E. gently requiring them, and euery of them, to redeliuer vnto your ſaid Orator, the ſaid part or counterpane of the ſaid Indenture of bargaine and ſale of the premiſſes, And alſo to make vnto him this complaynant and his heires, further conueyance and aſſurance of the ſaid manor, tenementes, and premiſſes, by fine to be leuyed before the Juſtices of the common Pleas at Weſtminſter, and for that purpoſe in the terme of Saint Hillarie, which was in the xxviij. yeare of the Quenes Maieſties raigne that now is, at Weſtminſter in the countie of Middleſex, this complainant required the ſaid R. and T. according to the tenor, true intent, and meaning of the ſaid Indenture of bargaine and ſale thereof, to come before Sir E. A. knight, then, and yet chiefe Juſtice of her Maieſties Court of common Pleas at Weſtminſter, to make cogniſance before the ſame E. A. knight, of the ſaid manor, tenements, and premiſſes wyth thappurtenances, in forme of Law, that a fine thereupon might haue bin leuied, to the vſe of this Complaynant, and his heires for euer, yet that to do, they and euery of them haue euer hitherto refuſed and denyed, and yet do denie and refuſe to do the ſame, contrarie to the forme and true meaning of the couenants and agreementes in the ſaid Indenture of bargayne and ſale thereof, conteyned, and agaynſt all right, equitie, and good conſcience, and to the manifeſt defeating and diſinheriting of hym this Complaynant, of, and in the ſaid manor, landes, tenements, and premiſſes, and contrarie to the true intent and meanyng of the ſame Indenture of Bargayne and ſale thereof,

except

except spædie remedie be in due time prouided to preuent the same. Wherefore the premisses considered, and for so much as the said complainant not knowing the certeine date and contents, and other certenties of the said part or counterpaine of the said Indenture of bargaine and sale, nor wherein the same is conteined, whether in bagge, box, or chest, locked, sealed, or otherwise, and so hath none ordinarie remedie by the due course of the Common Lawes of this Realme, for the recouerie thereof. And without the same Indenture hath no direct action by the comon Lawes of this Realme to compel the said R.C. T.C. and G.C. or any of them to assure vnto him this complainant, the said Manor, lands, tenements, and the premisses, according to the said bargaine thereof, for lacke of the said Indenture, both parts thereof being come to the hands of the said defendants. Neither if this complainant had the said part or counterpaine of the said Indenture (as he hath not) yet had he not thereby any meanes by the common Lawes of this Realme, to compell the said T.C. and G.C. or either of them to performe the bargaine and couenants therein conteined, they the said T. and G. being as is aforesaid, vnder the age of one and twentie yeares, at the time of the making thereof, It may please your honorable Lordship, the premisses considered, to grant vnto him this complaynant, the Quenes Maieslies most gratious writs of Subpena to be directed to the said R.C. T.C. and G.C. and euerie of them, thereby commaunding them and euerie of them at a certaine day, and vnder a certaine paine therein by your good Lordship to be limitted, to be and personally to appeare before your honorable Lordship in the Quenes Maieslies high Court of Chācery, then & there to answere vnto the premisses, & further to stand to, and abide such order and direction therin, as to your good Lo. vpon the hearing of the said cause shal seme to be agreeable with right, equitie and good conscience &c.

Sect 118.

SECTIO 118.

¶ *A bill againſt the heire for entring into lands deuiſed to the plaintife, praying a Commiſſion to examine witneſſes in perpetuam rei memoriam.*

HUmbly complayning ſheweth vnto your good Lordſhip your poore and diſtreſſed Orator G. W. of N. in the countie of N. yeoman. That whereas W. W. deceaſed father vnto your ſaid Orator was in his life time lawfully ſeiſed in his demeſne as of fee, of, and in the manor and Capital meſſuage of N. in the countie of N. and of, and in one farme ſet lying and being within the parith of W. in the ſaid countie of N. & of diuers other lands, tenements & hereditaments in N. aforeſaid. And alſo whereas the ſaid W. W. deceaſed was likewiſe in his life time lawfully ſeiſed in his demeſne as of fee, of, and in certaine grounde, and one tenement with the appurtenances, ſet lying and being within the pariſhe of C. in the Countie of D. and alſo of, and in the rectorie and perſonage of C. alias C. within the ſayde Countie of D. and of diuerſe other landes, and tenements, ſet lying and being in the Countie of N. and D. and he ſo being of the ſaid lands and tenements ſeyſed, did by his laſt Will and Teſtament in writing, deuiſe and bequeathe vnto your ſayde humble Orator, and to the heires males of his bodie lawfully begotten, certaine parcels of lande, of, and in the ſayd Manor of N. that is to ſay, one manſion houſe wherein your ſayde poore Orator nowe inhabiteth and dwelleth, one cloſe commonly called B. containing by eſtimation, two acres or thereaboutes, one other cloſe commonly called C. containing by eſtimation two acres or thereabouts, one other cloſe commonly called the vpper S. all which ſeuerall parcels of lande are ſcituate, lying, and bee-in in N. as is aforeſaid, in the foreſayde Countie of N. A

one

one messuage or tenement commonly called by the name of an organg, scituat and being in W. in the said countie of S. and also one tenement called the S. scituat, lying, and being in the countie of D. and also one lease of the rectorie, and personage of C. in the countie of D. by vertue & force of which said deuise, & bequeath, your said humble Orator entered into the said premisses, and the issues and profits of the same hath perceiued, receiued, and taken to his own proffit, vse and behoofe, as lawfull was for himselfe to do, as he verily beleeueth. But now so it is, if it may please your honorable good Lordship, that one R. W. brother to your said humble orator, as son & heir apparāt to ysaid W. W. his father deceased, hath taken away, concealed & cancelled, as it is thought, the said last Will and Testament of your said Orators Father, and hath taken vpon him the administration of all the goods and chattels, of your said Orators father reiecting and disanulling the said last Will and Testament made by your said Orators Father as foresaid, to thintent onely and thereby of set purpose, malice, and vnbrotherlyke dealing, to defraude, expell, depriue, and disinherit your said orator of his Right, Title, and interest of, and in the said lands deuised to him as aforesaid, and also doth threaten your foresaid Orator, that he may at his pleasure relinquish and disanull the beforesaid last Will and Testament made by your foresaid Orators Father as is aforesaid, and did take the Administration of all your said Orators Fathers lands, goods, and chattels, as is foresaid, contrarie vnto all right, equitie, and good conscience, and not christianlike but vnbrotherlike dealing, and contrarie to the true intent and good meaning of your foresaid Orators Fathers Will, made as is aforesaid, vnlesse your good Lordship doe according vnto your accustomed goodnesse, extende your clemencie, and pittie

in

in that behalfe to your poore Orator. In consideration whereof the premisses considered, and for as much as the title of your said poore Orator, by reason of the vndirect practise vsed as aforesaid, in concealing, cancelling, and relinquishing the said last Will, as aforesaid, doth greatly depend vpon the witnesse and testimonie of certaine persons dwelling within ỳ Countie of N. to proue the true meaning of your said orators fathers Will, which are of great yeares, and also verie impotent, not like long to liue, nor yet able to trauaile to this Honorable Court, to bee examined for the testifying of the truth, touching the premisses, as by common order appertaineth. And also for that in time the said witnesses may die, & by meanes thereof your said Orator may be in daunger to sustaine disinherison of the premisses. May it therefore please your good Lordship to graunt the M. &c.

SECTIO. 119.

¶ *A Bill for refusing to receiue the Plaintifs rent according to order, and taking of forfeiture of a bond made for paiment of the said Rent.*

HVmbly complaining, sheweth to your good Lo. your dai- A
lie Orator I.L. of S. in the Countie of N. yeoman, that whereas one I.B. of W. in the countie of Yorke Miller, pretended as in the right of his wife to be owner of a certaine messuage in S. in the countie of N. aforesaid, and of certaine land, meadow, & pasture thereunto belonging, & lying within ỳ fields of S. aforesaid, and ỳ said I.B. so pretending himselfe in the right of his said wife to be seized as is aforesaid about the 19. or 20. yeare of the M. maiesties most gratious raigne, ỳ now is, did demise ỳ said messuage & land in S. aforesaid vnto your said orator, & one A.L. gent to haue & to hold to them for the terme of 21. yeares from the time of ỳ making thereof, rendring therefore yearely

the

the rent of xx. s. payable at Whitsontide and Martinmas by euen portions for the paiment of which said rent of xx. s. he the said B. knowing himselfe the title thereof to be questionable, and likely to grow to some charges in Lawe to your said Orator to defend, did therefore conningly get your said Orator to become bound in an Obligation of xx. li. for the yerely payment of the said rent accordingly vnto him the said B. after which lease and bond so made, as aforesaid, and also immediatly after your said Orators entrie into the same, ỳ title thereof was so defended against your said Orator, by such as claimed the same against him the said B. as that the charges therof spent about the recouering therof, did stand your said Orator in aboue twentie nobles, besides the great trauaile and losse of time that your said Orator susteyned thereby, being yet altogether vnrecompenced at the said B. hands, although he often promised to haue some consideration thereof towards your said Orator. And whereas also since and immediatlie after that time, he the said J. B. likewise in the right of his said wife pretended to haue right vnto certaine copiholde lands lying in the parish of E. aforesaid, then being in the occupation of your said Orator and other persons, for the triall whereof, there being certain actions depending in the said Copihold court at Southwell, it was notwithstanding before the triall thereof, aswel by the consent of the said B. of thone partie, as also by the assent of your said Orator, and the defendant on thother party, referred to thorder and arbitremẽt of one P. B. and J. W. esquires, that they should order and determin, aswel the right, as ỳ possessiõ of the said copihold lands so then in question, which said P. B. & J. W. esquires, being willing the controuersies might haue a good and finall end, and yet themselues hauing then no good opportunitie to attend the same, did therefore entreat aswell the said J. B. as also your said Orator and thother, that it might stand with their lykings, that one W. C. and H. W. of W.

for

for that they were better acquainted with the interest of both the parties, might therfore order and make an ende therof in all points, as should seeme good vnto them, whervnto as well the said B. as also your said Orator, with the rest agreed, promising to performe any such order as they the said C. and W. should in that behalfe make and agree vpon: Whereupon the said H. C. and the said H. W. taking vpon them the said Arbiterment, did thus, or to the like effect, order, agree, and publish their order and award, that your said Orator should still inioy and continue hys possession of the said Copyhold landes, for, and during so long time as the wife of the said B. should lyue, paying yearely for the said Copyhold land vnto the said B. tiij. shillinges rent, and for that he the said B. receiued also an other rent of xx. shillinges by the yeare, at two seuerall times of your said Orator, for the freehold land aforesaid, they the said Arbitrators, for the more ease and certaintie of him the said B. did further order and appoint, that your said Orator should also pay the said fower shillings rent for the copyhold land, at the same time that the other rent for the freehold was vsed to be paied, which was at Whitsontyde and Martinmas, so that from thencefoorth, he your said Orator should yearely pay at the daies aforesaid, the whole and intier summe of xij. shillings at euery of the said feasts. And also for that the said Arbitrators did well foresee, that the said intier payment of twelue shillings at one day and instant, could not conueniently be paied on the seuerall lands, out of the which they in trueth and law were seuerally issuing, for that the said freehold and copyhold land be distant in seueral places, therefore the said Arbitrators, for the more ease and certaintie of him the said B. did order and appoint, that your said Orator should yearely at the daies aforesaid, or within xiij. daies after euery of them, pay the said rent of xij. s. at the house of one W. W. of H. being a friends house of him the said B. and also farre nerer vnto

the

the ſaid R. his dwelling, then the land it ſelfe is vnto, which ſaid order and arbiterment, he the ſaid R. together with your ſaid Orator did willinglie agree and condiſcend: And ſo for for the ſpace of ſeuen or eight yeares laſt paſt, hath alwaies receyued his ſaid rent, accordingly, at the houſe of the ſaid W. W. of M. aforeſaid: Notwithſtanding ſo it is if it may pleaſe your good Lordſhip, that the ſaid I. R. meaning, as it ſeemeth, not onely contrarie to the ſaid order and awarde, but alſo contrarie to all right, equitie, and good conſcience, ſubtilly and extremly to take aduantage of your ſaid Orators bond of xx. pound, hath refuſed to receiue your ſaid Orators laſt whitſontydes rent, ready for him at the ſaid W. houſe in M. aforeſaid, according to the ſaid order and award therein made, as aforeſaid: May it therefore pleaſe your good &c.

SECTIO. 120.

¶ A bill for payment to be made for certaine fat Cattell ſolde, without preſent money taken, or bond, or ſpecialties for the ſame, by reaſon of the great truſt and confidence the vendor repoſed in the vendee.

A HVmblie complayning ſheweth vnto your good Lo. your daily Orator W. B. of B. in the Countie of N. Butcher, That wheras your ſaid Orator about ſixe or ſeauen yeres now laſt, ſold & deliuered vnto one R. W. of the ſame towne & countie butcher, ſix Steares & fiue Oxen, being all fat cattel, for the price of fortie pounds and ten ſhillinges, which ſaid ſumme of fortie pounds and x. ſhillinges, the ſaid R. W. then faithfully promiſed to pay vnto your ſaid Orator within a ſhort ſpace then after, and now long ſithence paſt, or els when your ſaid Orator would require and demaund the ſame of him the ſaid R. W. of which ſaid bargaine

gaine and securitie for the said money, your said Orator was then the lesse carefull, for that your said Orator not long before, had bin seruant vnto the said R. W. and for that the said W. had bin Master vnto your said Orator, therefore your said Orator did trust him the said W. so well, as that he neither toke any specialtie or securitie of him the said W. for the said summe of fortie pounds and ten shillinges, nor prouided any witnesses to be present and testifie the same bargaine and contract betwixt them, but onelie priuatlie betwixt them selues contracted the same. And likewise your said Orator priuately deliuered the said fiue Steares and fiue Oxen, vnto him the said R. W. vpon trust, and performance of his priuate speech, and promise of payment thereof, as aforesaid, whereupon the said R. W. then presently receiued the said fiue Steares and fiue Oxen, at your said Orators hands, and did presently afterwardes conuert the same to his owne proper vse and benefite: Some after which bargaine and receipt of which Cattell, before the money paied by him the said W. vnto your said Orator for the same &c. May it therefore please your honorable Lordship &c.

SECTIO 121.

¶ *A Reioinder.*

The said defendant Reioineth and saith in all and euerie thing and thinges, as he in his said answere hath said, and doth and will auerre, iustifie, maintaine, and proue the same answere, and all and euery thing and things, clause, sentence, article, and allegation therein contained, to be good, iust, and true, certain, and sufficient in the law to be replyed vnto, in such sort, maner, and forme, as the same bin therein most truely set forth and declared. And this defendant further sayth, that the said Replication of the said Complaynant is verie incertaine, vntrue, and insufficient in the law to be reioined vnto by this defendant, for A

for diuers apparant faultes and imperfections, therin conteyned. And that the ſame is ſo contriued, and made, by the ſaid complainant for the cauſes in the ſaid anſwere expreſſed, & to the end to giue ſome further colour, or rather ſhadow for the maintenance of the ſaid bill, without cauſe in this Honorable court, to the vniuſt veration of this defendant, as may appear, for that, ſhe the ſaid complainant, by the ſiniſter meanes of one T. P. who as it is ſaid, procureth and ſoliciteth the ſame ſuite for the ſaid complainant againſt this defendant, hath without all order, as he is informed, cauſed him being a plaine ſimple vnlearned man, to become bounden by obligation, for the proceeding in the ſaid ſuit of this defendant, and with ſuch condition whereof this defendant is vtterly ignorant, of all which this defendant hopeth this honorable court will haue due conſideration for the puniſhing of lewd and indirect courſes & actiõs therein vſed. And without that, ỹ any other matter, thing, or thinges, clauſe, ſentence, article, or allegation in the ſaid replication contained material or effectual in the law to be reioined vnto by this defendant, and not here in this his reioinder ſufficiently reioined vnto, confeſſed, and auoided, denied, or trauerſed, is true. All which matters this defendant is readie to auerre, and proue as this H. court ſhal award, & therefore prayeth as he before in his ſaid anſwere hath prayed.

SECTIO. 112.

¶ A Bill vpon putting one to ſeruice with promiſe that the ſeruant ſhall ſerue truely, and that the defendant will ſatisfy all damages, which ſhall happen to the maiſter by the ſame ſeruant &c.

HVmbly complaining, ſheweth vnto your honorable Lordſhip C. M. of the Towne of P. in the County of S. Gentleman, that whereas S. S. daughter of A. S. of the

towne of A. in the Countie of Yorke, about two yeares now laſt paſt, being deſirous to ſerue your ſaid Orator, and his Wife then dwelling at Rotheram, at an Inne there, called the ſigne of the Angel in ſaid countie of Yorke, was entertained into their ſeruice at, and vpon the further entreatie of the ſaid A. S. and vpon her faithfull promiſe vnto the ſaid Orator then giuen, and made, that the ſaid M. her daughter ſhould during the time of her ſeruice and abode with your ſaid Orator, honeſtly, faithfully, and truely behaue herſelfe and ſerue your ſaid Orator and his Wife, in all lawfull buſineſſe, and that if any loſſe or preiudice ſhall befall vnto your ſaid orator through either negligence, default, or abuſe of the foreſaid M. in any reſpect, that then the ſaid A. would vpon notice to her giuen in that behalf by your ſaid Orator of ſuch loſſe and detriment in that behalfe ſuſteined, ſatiſfy and recompence your ſaid Orator for the ſame to the vttermoſt value thereof. By reaſon whereof your foreſaid Orator entertained and receiued the foreſaid M. into his ſeruice, as is aforeſaid. And thereupon the wife of your ſaid Orator deliuered vnto the ſaid M. to her onlie charge and cuſtodie, manie and ſundrie parcels of plate, linnen, and alſo other neceſſarie things, for your foreſaid Orators behalfe. In which ſaid ſeruice the ſaid M. remained with your ſaid orator by the ſpace of one whole yeare then next following. Now ſo it is, if it may pleaſe your ſaid Honorable Lordſhip, during the time of the abode of the foreſaid M. in ſeruice with your ſaid Orator as is aforeſaid, The foreſaid M. did not onely ſecretlie and priuilie deliuer vnto the foreſaid A. S. her Mother, diuers of the ſaid parcels of plate, linnen, and other vtenſils of your ſaid Orators, to the full value of twentie Marks, or thereabouttes, to, and for the vſe and behalfe of the ſaid A. But alſo during the ſaid time, conuerted ſundrie other parcels of goods, and ſummes of

money

money receiued of gueſtes that reſorted to the ſaid houſe, appertaining to your ſaid Orator, vnto the onely vſe and benefite of the ſaid M. herſelfe. By meanes whereof your ſaid Orator was greatly preiudiced, and hindred to his loſſe of thirtie or fortie poundes, or thereabouts, vpon which occaſions your ſaid Orator was enforced to put ꝯ ſaid M. forth of his ſeruice. And although your ſaid Orator hath diuerſe and ſundrie times heretofore notifyed, and made knowen vnto the ſaid A. the loſſe and hinderãce, by her ſuſteined, as is aforeſaid, by and through the negligence, default, and abuſe of the ſaid M. as is aforeſaid, and hath required recompence and ſatiſfaction for the ſaid goods ſo deliuered and conuerted to the vſe of the ſaid A. and M. as is aforeſaid, according to the promiſe of the ſaid A. made to your ſaid Orator vpon the entertaining of the ſaid M. into his ſeruice as is aforeſaid, yet the ſaid A. the ſame to doe hath heretofore refuſed and denied, and ſtill doth refuſe & denie to do, contrary to her promiſe & aſſumption aforeſaid, and againſt all right, equitie and conſcience. In conſideration whereof, and foraſmuch as your ſaid Orator is not able to make any due proofe, neither of thecertaintie or quantitie of the plate, linnen, and other goods ſo ſecretly deliuered to the ſaid A. by M. during the time of her ſeruice, as is aforeſaid, or of the ſaid other goods, conuerted by the ſaid M. to her owne vſe, as is aforeſaid, nor of the promiſe made by the ſaid A. vnto your ſaid orator vpon the retaining of the ſaid M. into his ſeruice, as is aforeſaid, by reaſon the ſame was in ſecret betweene themſelues without calling any other to witneſſe the ſame, whereby your ſaid orator, by the ſtrict rule and courſe of the commõ lawes of this realm, hath no ordinary meanes for recouerie of the ſame, but only by ſuite before your honorable Lordſhip in the Queenes maieſties high court of chancerie, by the othes of the ſaid A. M. in whoſe priuities al the premiſſes principally lie and whom your

Orator thinketh vpon their ſaid othes, will reueile and manifeſt the truth, and circumſtance of the ſame, the premiſſes conſidered. May it therefore pleaſe your good Lo to graunt vnto your ſaid orator the M. maieſties moſt gratious writ of Subp. to be directed to the ſaid A. & M. & either of them, commaunding them thereby, not onely to appeare before your honor in the M. maieſties high court of chaunterie, at a certaine day, and vnder a certaine paine therein to be limitted and aſſeſſed, then and there to anſwere to ẏ ſaid premiſſes. But alſo to ſtand to, and abide ſuch further order and direction therin, as to your Ho. wiſedome ſhall be thought fit and conuenient, & your ſaid orator ſhal daily pray vnto God for the long cõtinuance of your Ho. in health and proſperity.

SECTIO. 123.

¶ The Iaint and ſeuerall anſweres, of A. S. and M. S. def. to the Bill of complaint of C. T. complainant.

THe ſaid defendants ſay, and either of them, for himſelfe A
ſeuerally ſaith, that the ſaid bill of complaint againſt thē
exhibited into this honorable court, is verie vncertain, vntrue, and inſufficient in the law to be anſwered vnto by ẏ ſaid def. or either of them, for diuers manifeſt and apparāt faults and imperfections therein contained, and deuiſed, & exhibited into this honorable court of mere malice & enuy, onely to the entent, not onely to vexe and trouble the defendants, being verie vnable and vnmeete vpon the ſudden with long and tedious iorneies to make their perſonal apparances in this Ho. court, being aboue one hundred and twentie miles diſtant from ẏ town of A. in the coũty of Ẏ. where theſe defendāts now dwell, but alſo to vexe the defendantes in ſuch ſort, that they might extort and wring from theſe defendants ſome conſideration for the ſtay of the ſaid ſuit, be it neuer ſo vntrue, and without any iuſt cauſe or colour of cauſe ſo to do. neuertheles if theſe

defen-

defendants shall by the order of this honorable Court be compelled to make any further, or other answere to the said vncertaine, and insufficient bil of complaint, then the aduauntage of exception to the manifest incertaintie and insufficiency of the same Bill of complaint to the defendants, and either of them at all times hereafter saued, for answere thereunto, & for a manifest declaration of ỹ truth, touching the cõtents of the same bil, these defendants say, & either of them, for himself seuerally saith, that about the time mentioned in the said bil of complaint, ỹ said M. St. thother of these defendãts was entertained to serue ỹ said compl^t & his wife for the terme of one yeare next ensuing ỹ time of such her reteiner, for xvj.s. wages for ỹ same year, without the knowledge of the said A. St. thother of these defendants, vntill that she the said M. was so with them retained. And these defendants further say, that by vertue of the same retainer, the said M. did honestly, faithfully, and truely behaue herselfe, and did serue the said complainant and his said wife in all lawfull businesse accordingly, during all the said yeare, & that to her knowledge no losse nor preiudice did befall vnto the said complainant through the negligence, default or abuse of the said M. in any respect during the same yeare. And that in the end thereof she departed from them võ their fauour & goodwil, at her owne request, without that, that she the said M. was entertained in their said seruice, at & vpon the entreaty of the said A. M. and vpon her faithfull promise vnto ỹ said compl^t then giuẽ & made, that the said M. her said daughter should during ỹ time of her seruice and abode with the said complainant honestly, faithfully, & truely behaue her selfe, seruing him and his said wife in all lawfull businesses, and that if any losse or preiudice should befal vnto ỹ said compl^t through ỹ negligence or abuse of her the said M. in any respect, that then she the said A. St. vpon notice to her giuẽ by the said compl^t vpon such losse & detriment in ỹ behalfe susteined,

would satisfy and recompence the said complainant, for the same to the vttermost value thereof, or that by reason thereof the same complainant entertained and receiued M. in his said seruice, as in ỹ said Bil it is vntruely alledged. And the said defendants further say, that albeit she the said A. S. had made vnto the said complainant any such promise as he in his Bill of complaint supposeth (as in verie truth she did not) yet were the same promise voide in law, and of no validitie or force to bind her thereby, for that the said A. at the time of the said surmised promise was couert with J. S. her husband. And without that, that vpon such promise the said wife of the said complainant deliuered vnto the said M. to her charge and custodie many parcels of linnen, & other necessarie things, and furniture for the said complainant his behalfe in any other maner then, as to euerie other ordinarie seruant in the same house in the like case, without taking vpon her any speciall charge for the képing thereof, as in the said bill of complaint it is verie vntruely alledged, and without that, that during the same time of the said abode of her the said M. in seruice with the said complainant, as aforesaid, the said M. did either secretly deliuer vnto the said A. S. her said mother diuers or any of ỹ said parcels of plate, linnen, and other goods, for the vse and behofe of the said A. S. or during the said terme conuerted sundrie or any other parcels of goods and summes of money receiued of guestes that resorted to the said house, appertaining to the said complainant, vnto the vse and benefite of the said M. her self, by means whereof ỹ said complainãt was greatly preiudiced and hindered, to the losse of 30. or 40. li. or thereabouts, or that vpon such occasions the said compl' was enforced to put the said M. from his seruice, for that the said complainant hath diuerse and sundry times heretofore notifyed and made knowen vnto the said A. the losse & hurt he sustained, as is aforesaid, by, & through the negligence,

default,

default, and abuse of the said M. as is afore said, and required recompence and satisfaction for the said goods so supposed to be deliuered, and conuerted to thuse of the said A. and M. as is afore said, as in the said Bill of complaint is most truly alledged. And wout ẏ, that any other matter, thing, or things, clause, sentence, article, or allegation in ẏ said bill of complaint conteined materiall, or effectuall, in the law to be answered vnto by these defendants, or either of them, & not herein in their answere sufficiently answered vnto, confessed, and auoided, denied, or trauersed, is true, al which matters the defendants and either of them are readie to auerre and proue as this H. court shal award, & therfore they pray to be dismissed out of ẏ same court, wt their reasonable costs and charges in this behalfe wrongfully & without cause sustained.

SECTIO 124.

¶ *The Replication to the same Answere.*

A THe said complainant sauing to himselfe all aduantages of exception to the incertainties and insufficiency of the said defendantes answeres, for replication saith as he before by his said Bill hath said, and doth, and wil auerre iustify, and maintaine his said Bill, and all and euery thing and thinges therein conteined to be be good, iust, and true in such sort maner and forme, as in and by the same is most truely set forth and declared. And ẏ answeres of the said defendants are vncertaine, vntrue, and insufficient in ẏ law to be replied vnto for diuers vntruths & imperfections therein conteined, without that, that the said M. one of the said defendants did honestly, faithfully, and truly behaue herselfe in the seruice of the said compl as by ẏ same defendants in their said answeres is vntruly alledged, for this said complainant saith, as he before by his said Bil hath said, that the said M. one of ẏ said defendants did secretly deliuer to ẏ said A. ẏ other def. diuers parcels of the goods of ẏ said compl, ẏ the said defendāts most wrōgfully

detaine & withhould from him the said complainant against right and equitie, and further the said complainant saith, & will averre & prove, that the said A one of the said defendants, did give her faithfull promise to satisfy and pay vnto the said complainant the vttermost value of euerie losse, or hinderance the said complainant should sustaine by the said M. as by his said bill is most truely set forth and declared, without that, ỳ any other matter, or thing in ỳ said defendants answere conteined materiall or effectuall, to be replied vnto, in, and hereby, not sufficiently be replied vnto, is true. All which matters the said complainant is readie to averre and prove, as this honorable court shall award. And praieth as he before by his said Bill hath prayed.

SECTIO 125.

¶ A Bill for entering into and detaining copihold lands sold by the defendant to the plaintifes graundfather, which descended to the plaintife being an infant, the said entrie being made by reason that the copie and court rolle of the said bargaine came to the defendants handes.

HVmbly complaing, sheweth vnto your Lordship, your daily orator F. H. of W. in the countie of Yorke gentleman, that whereas about the 24. day of September in the third year of the raigne of the late king of famous memorie, Edward the first, one Christopher Barster late of F. in the said countie husbandman, was lawfullie and rightfullie seased in his demesne as of fee, as a copiholder, according to the custome of the Manor of the prebend of Laghton, in the said countie, & in one customarie messuage or tenemẽt, & 1. organge of land, wᵗ thappurtenances in F. aforesaid: & in another messuage or tenemẽt, & 30. acres & an halfe of land with the appurtenances in F. aforesaid, and he being thereof so seased about the time aforesaid, for a A

certaine

certaine great summe of money to him prayed by F. H. of W. aforesaid, grandfather of your said orator, did surrender according to the custome of the said Manor, the said customarie tenements and premisses with thappurtenances into the hands of the then Lords of the said Manor, to thuse of the said F. H. the grandfather and his heires for ever, by force whereof the said F. H. the grandfather was thereof admitted tenant accordingly, and was of the same, as a copiholder lawfully seised in his demesne as of fee, by, and according to the custome of the said Manor, and the rents, issues and profits thereof arising and growing, did likewise lawfully take and conuert to his owne vse, by the space of diuers yeres, and afterwardes the said F. H. the grandfather being thereof so seised of the said tenements and premisses, died thereof so seised, about the second yere of the raigne of the Quenes most excellent Maiestie that now is. By and after whose death the said tenements and premisses discended and came, and of right ought to discend and come vnto your said orator, being then of very yong and tender yeres, viz. about thage of vj. yeres, as next cosin and next heire vnto the said F. H. the grandfather, that is to say, sonne of T. H. sonne and heire of the said F. H. the grandfather, but now so it is, if it may please your good Lordship, that after the death of the said F. H. the grandfather, al the copies of Court rolls of the said Manor, and the verie Court rolls them selues concerning the premisses, did by casual means come vnto the hãds, custodie, & possess. of the said C. B. and one T. G. of T. in the said county husbandman, or to the handes of one of them, which they or thone of them haue cancelled and defaced, intending therby vtterly to disinherite your said orator of the same tenements and premisses, and by colour thereof shortly after the death of the said F. H. the grandfather, the said C. B. did wrongfully abate and enter into the said tenements and premisses And euer since his said wrongful entre, that is to

is to say, by the space of xviij. yeres or there abouts, hath wrongfully occupied the premisses or the most part therof, and receiued taken, & conuerted to his owen vse, the rents, issues, and profits of the said tenements and premisses, & will not by any meanes permit or suffer your said Orator to enter, meddle, or haue to do therewith. And notwithstanding that your said Orator not onely by himselfe, but also by his friends, hath in gentle and quiet manner, diuerse times come vnto the said C. and T. gently requiring them to deliuer vnto him your said orator, the said copies of Court rolles, and to make reasonable recompence and satisfaction vnto him your said orator for the rents, issues, and profits of the said tenements and premisses, so as is afore-said, by the said C. wrongfully receiued according to your said orator, his good right and title thereunto, yet that to do, they and either of them haue euer hitherto refused and denyed, and yet do refuse and deny to do the same against all right, equitie, and good conscience, & to the disinherison of your said orator, of, and in the premisses, & to his great losse and hinderance, if spedie remedy be not by your good Lordship in this honorable Court spedily prouided to preuent the same. In tender consideration whereof, and for so much as your said orator, not knowing the certaine number, dates, or contents of the said copies and Court rolls, nor wherein they or any of them bee, conteined in bagge, boxe, or chest, locked, sealed or open, is therefore without al remedie by the due course of the Common lawes of this realme to recouer the same, and for lacke thereof your said orator is very like to lose the said tenements and premisses, and for that also, that the contentes of the sayd bargaine and surrender of the sayd tenementes and premisses, so as is afore said, made betwéene the said F. H. grandfather, and the said C. B. cannot now otherwise be proued then by aunswere of the said C. B. and T. G. made vpon their othes in this honorable Court, all such persons as

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were witneſſes of the ſame bargaine, being now either dead, or elſe vtterly vnknowen vnto your ſaid orator being ſo yong, as it is aforeſaid, at the time of the making of the ſame. May it pleaſe your honorable Lordſhip to grant vnto your ſaid orator the Quenes Maieſties moſt gratious writ of Subpena, to be directed vnto the ſaid C. and T. ſtraightly commaunding them & either of them, at a certaine day and vnder a certaine paine therein to be limitted, to appeare before your Lordſhip in her Maieſties ſaid high Court of Chauncerie, then and there to aunſwere to the premiſſes, and to abide ſuch order and direction therein, as to your Lordſhip ſhall ſeeme to ſtand with right, equitie, and good conſcience, and your ſaid orator ſhal dailie pray to almightie God for your honor in good health long to continue &c.

SECTIO 126.

¶ *A bill by the husband and wife, as Gardeins to her child for euidences.*

A IN moſt humble wiſe complaining ſheweth vnto your good Lordſhip, your poore and dailie orator I. W. of B. in the Countie of D. yeoman, and I. his wife late the wife of I. S. the elder of B. aforeſaid yeoman nowe deceaſed. That where the ſaid I. S. in his life time was lawfully ſeiſed in his demeſne, as of fee, of, and in one meſſuage or tenement, comonly called H. of and, in certaine lands, meadowe and paſture, and other hereditaments with thappurtenances to the ſaid tenement belonging, and with the ſame vſually occupied, ſcituate, lying and being in B. aforeſaid. And he the ſaid I. S. being of the premiſſes ſo ſeiſed did in his life time conuey and aſſure the ſame vnto certeine perſons, and their heires, to thuſe of the ſaid I. and of the ſaid I. then his wife, and of the longer liuer of them, without impeachement of Waſte. And after their deceaſes, to the vſe of the ſaid heires of their two bodyes lawfull

lawfully begotten, with diuers remainders ouer, by force whereof the said I. S. and the said I. then his wife, were thereof seised accordingly, And so seised, the said I. S. about three yeres now last past, died seised of such estate, as afore-said, having issue betweene him and the said I. one I. S. an infant of the age of two yeres or thereabouts. After whose death the said I. held her selfe in the said messuages and lands, & was thereof seised accordingly. And so seised toke to husband the said I. W. the other of your said orators, by force of which entermariage the said I. W. and the said I. were lawfully seised of the premisses, as in the right of the said I. And your said Orators haue also the custodie of the said I. S. the infant, rightfully belonging to the said I. his mother as garden in Socage. Now so it is, if it may please your good Lordship, that certaine deeds, euidences, & writings, touching and concerning the premisses, and of right belonging to your said orators, and the said infant, or to the one of them, are casually come to the hands and possessions of T. C. of B. aforesaid, and I. S. of H. being kinsmen vnto the said I. S. of B. the elder deceased, who by color of hauing the said deeds, euidences, and writings, haue wrongfully entred into the premisses with the appurtenances, & thereupon haue contriued certeine secrete estates vnto diuers persons vnknowen by your said orators, and by color thereof, they the said T. C. and I. S. of H. or thone of them of late time hath wrongfully entred into the premisses, and hath receiued and take the issues and profits of the premisses, or some part therof, from your said orators, & although your said orators haue diuers and sundry times gently requested the said T. C. and I. S. of H. to permit and suffer your said orators quietly to haue and enioy the same premisses, and to deliuer vnto your said orators the said deeds, euidences and writings, touching and concerning the premisses, and which of right do belong and appertaine vnto your said orators, and to the said I. S. the infant, yet they

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the ſame to do haue hitherto refuſed, and yet do refuſe contrarie to all right, equitie, & good conſcience, which is likely to turne, not onely to the loſſe and hinderance of your ſaid Orators, But alſo to the preiudice and diſinheritance of the ſaid infant, if ſpædie redreſſe herein be not had by your good Lordſhip, in conſideration whereof, and forasmuch as your ſaid Orators do not know the certaintie, nor certaine number of the ſaid dœds, euidẽces, and writings, nor whether the ſame be cõteined in bagg or bore ſealed, or in cheſt locked, and ſo your ſaid Orators, & the ſaid infant are without any ordinarie remedie for the recouerie of the ſame by the common Lawes of this realme. And for that your ſayd Orators do hope that the ſame C. and S. will vpon their oathes in this honorable Court, confeſſe the certaintie and truth therein, where the ſaid euidences are to be had, or to whom they haue deliuered the ſame. May it therefore pleaſe your good Lordſhip, the premiſſes conſidered, to graunt vnto your ſaid Orators the Quẽnes Maieſties writ of Subpena to be directed vnto the ſaid C. C. and I. S. commaunding them and euerie of them thereby, at a certaine day and vnder a certaine paine therin to be limitted, perſonally to appere before your good Lordſhip in her Maieſties high Court of Chauncerie, then and there to anſwere the premiſſes, and to ſtand to, and abide ſuch order and direction therein, as to your Lordſhip ſhalbe thought to ſtand with equitie &c.

SECTIO 127.

¶ *The Anſwere of the ſame.*

A THe ſaid defendants ſay, & euerie of them ſeuerally ſaith, that the ſaid bill of complaint is verie vncertain, vntrue and inſufficient in the law, to be anſwered vnto for diuers manifeſt defaults and imperfections therin contained, and framed, and exhibited into this honorable Court, as theſe defendants verily thinke of malice and euill will, to thintent

tent to put these defendants to great trauail, charges and expences to make their personal apparance in this honorable Court, the said defendants dwelling in B. aforesaid, in the said cõty of D. which is sirscore miles distant from the citie of Westminster, and without any iust cause so to doe, and these defendants further say, that if the surmised matters contained in the said bil of complaint were true, as in verie truth they are not, yet were the same determinable, and to be determined by the common Lawes of this Realme, and not in this honorable Court, whereunto these defendantes pray to be dismissed with their reasonable costes, charges, and damages in this behalfe wrongfully and without iust cause sustained, yet neuertheless, if the defendants shalbe compelled to make any further or other answere vnto the vncerteine and insufficient bill of complaint, then thadnantage of exception to the incertaintie and insufficiency thereof to these defendants, and thother of them at all times hereafter saued, for further answere thereunto, and for a ful and plain declaration of the truth, say that they think it is true, that the said I. S. was in his life time lawfully seised in his demesne as of fee, of, and in the said messuage or tenements commonly called the H. and of, and in certeine lands, meadow, and pasture, and other hereditaments with thappurtenances to the said tenements belonging, & with the same vsually occupied, scituate, lying, and being in B. aforesaid, as in the said bill of complaint is alleaged, but the said defendants further say, that the said tenements in the said bill of complaint contained, as they verily beleeue, are holden of the right honorable G. Earle of S. of his manor of C. in the said cõtie of D. by knights seruice, and by the yerely rents of ij. s. And that he being thereof so seised, and the said Earle being also seised in fee, of the said Manor, as these defendants think, dyed thereof so seised, by, and after whose death the said tenements and premisses in the said bil mentioned, discended

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and come to the said I. S. the sonne, as sonne and heire of the said I. S. deceased, who is yet within the age of xxj. yeres, by meanes whereof the said Earle after the death of the said I. S. the father, as garden of the said I. S. infant, during his minoritie, by reason of the tenure aforesaid, seised the bodie of the said I. S. the infant, without that, that to the said defendants knowledge, the said I. S. the father being of the premisses seised in fee, did in his life time conuey and assure the same premisses vnto certaine persons, and their heires to the vse of the said I. S. and of the said I. then his wife, and of the longer liuer of either of them, without impeachement of wast, and after them decease to the vse of the heires of their two bodies lawfully begotten, with diuerse remainders ouer, as in the said bill of complaint is vntruely alleaged, or that to these defendantes knowledge, by force thereof the said I. S. and the said I. S. then his wife being thereof so seysed dyed thereof so seised, or that to these defendantes knowledge, after his death the said I. held her selfe in the said messuages, lands and premisses, & was thereof so seised accordingly, by force of any such conueyance, or that shee being thereof so seised, toke to husband the said I. W. or that by force of the said enter mariage the said I. W. and the said I. to the knowledge of these defendantes, were so lawfully seysed of the sayde premisses, in the right of the sayde I. as in the sayde bil is alleaged. And without that, that to these Defendants knowledge the sayd I. W. and I. haue the custodie of the sayd I. S. the infant rightfully belonging to the sayd I. as Gardein in Socage, as in the sayd bill is likewise alleaged. And without that, that any deedes, euidences, & writings, touching and concerning the premisses, and of right belonging to the sayde Infant, or to one of them are lawfullye come to the handes, custodye, and possession of the sayd defendants

other

other then such deeds, euidences, and writings, as the said I. did deliuer vnto the said T. S. thone of these defendants, which he the said T. about one yere now by past, or more vpon the receipt of the Queens Maiesties writ of Subpena deliuered to I. L. late of H. Paul in the Countie of D. gentleman, to thuse of the said infant which as he remembreth was done by appointment or agreement of the said I. And then an other old deede or writing without date conteyning these wordes following or the very like in effect and meaning, viz.

Sciant præsentes & futuri quod ego Io filius Tho. de B. dedi concess. & hac præsenti charta mea confirmaui Duranto de Toxdwood pro homag', & seruitio suo, & pro quadam pecunię summa mihi præ manibus soluta, totam terram meam quę vocatur le Haule cliffe in territorijs de B. cum boscis, pratis, pascuis, pasturis & omnibus suis pertin, sine aliquo retento, quæ iacet integre in latitud' int viam quę ducit versus B. terram quam L. de L. quondam tenuit, & extendit se in longitudin de mera de B. vsque ad terram Abbat de R. & terram que fuit A. F. & terram R. de le Scagh, vna cum tota illa terra cum domibus & edificijs in ea sitis, cū omnibus suis pertin, quam R. de T. quondam tenuit, quę iacet integre inter terras &c.

SECTIO 128.

¶ *A Bill to be discharged of a Recognisance for the saiuing of lands sould harmeles, for that a lease made therof by which he seemeth to be dampnified, was either made in trust or by surrender, before the said bargaine, with an answere, replication, & reioinder to the same bill.*

COmplaining sheweth vnto your honorable Lordshippe A
George Earle of Shrewsbury, That whereas Sir W. S. knight Lord Mountague deceased, in his life time, about

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nintie yeres now past, was lawfully seised of an estate of inheritance amongest other landes and tenementes, of the thirde parte of the scite and mansion house of the late dissolued Abbey, Monasterie, or Priorie of B. in the countie of L. and of all and singuler messuages, houses, edifices, buildings, orchards, gardens, fishings, ponds, lands, tenements, meadows, pastures, commons, & hereditamẽts with thappurtenances to the said scite belonging, then late in thoccupation of F. S. and afterwards in thoccupation of one M. & the said Lord M. being thereof so seised about the xvj. day of December in the vj. yere of the raigne of our Soueraigne Ladie the Quẽnes Maiestie that now is, of speciall and secrete trust and confidence by him the sayde Lord M. reposed in one W. S. of M. in the Countie of S. gentleman, and M. his wife or thone of them, did make an Indenture bearing date the sixtenth day of December, in the said seuenth yere of a demise of the said third part of the said scite, lands, tenements, and hereditaments, with the appurtenances to the said W. S. and M. his wife, to haue and to hold the same vnto the said W. S. and M. from the decease of R. T. of S. for and during the terme of twentie and one yeres then next ensuing, as by the said Indenture appeareth. And deliuered the said Indenture to bee deliuered as his deed, when the said W. S. had performed certaine conditions and agreements betweene them made, vpon which Indentures made by them, it was neuer intẽded nor agreed that the said W. S. and M. his wife, or their executors or assigns, or any of them, should take any benefit to them: but that the same lease should be surrendred, and at all times disposed at the pleasure of the said Lord M. by force whereof the said W. S. and M. were possessed of thinterest of the said terme accordingly, and being thereof so possessed, And the said L. M. being seised of the said R. of the third part of these tenements and premisses of an estate of inheritance, afterwards, that is to say, the eightenth

day of May, in the xij. yere of the raigne of our said Soueraigne Ladie, the said Lord M. by Indenture bearing date the said day and yere, did bargaine and sell the sayde third parte of the said premisses among other thinges to one J. C. of C. in the Countie of S. Esquire, and F. S. of S. in the said Countie gentleman, and their heires for euer, by which last recited Indenture, the said Lord M. for him and his heires did couenant and graunt, to and with the said J. C. and F. S. and either of them, that aswell the sayd J. C and F. S. their heires and assignes, as all the sayde Mannors, and tenementes, by the sayd Indenture to them bargained and solde at the insealinge and deliuerie of the same Indentures, were discharged, exonerated or saued harmeleſſe, and from thencefor that all times, and from time to time hereafter for euer, should bee discharged, exonerated, acquited, or saued harmeleſſe by the said W. Lord M. his heires, executors or administrators, of, and from all and singuler gifts, graunts, leases, charges, and incumbrances, had, made, graunted or suffered in, or to the premisses, or any part or parcell thereof, by the said Lord M. or by any other person or persons whatsoeuer, other then the sayde Estate of the sayde R. S. late Duchesse of S. and certayne other thinges, in, and by the sayd Indenture excepted, as by the sayde Indenture appeareth. For performance of which Couenant of the sayd Indenture, the said Lorde M. Eagle, the second day of June in the sayde twelfth yere, became bounden vnto the sayd J. C. and vnto one H. S. of I. L. in the Countie of B. Esquire, by Recognisance knowledged in this high Court of Chauncery in the summe of two thousand poundes, as thereby appeareth. And shortly afterwardes, that is to say, about fiue yeares nowe last past, the sayd R. late M. of S. died and the sayde J. C. and F. S. entred into the Mannors,

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tenementes, and premiſſes with the appurtenances, and were, and yet be thereof ſeiſed in their demeſnes, as of fee, by force of the ſayd conueyance, and the profits thereof ariſing and comming to their owne vſe, toke, and yet doe quietly ſo take the ſame without any interruption, lett, or trouble of the ſayd W. S. and M. his wife, and their aſſignes, and euerie other perſon or perſons according to the couenant, true intent and meaning of the ſaid Indenture of Bargaine and ſale: And afterwardes, that is to ſay, about fiue yeares nowe paſt, the ſayde Lord M. for the ſumme of fiue thouſande poundes, or thereabouts, did bargaine and ſell to the ſayd Earle and his heires, the Mannor of B. in the Countie of Yorke, and diuerſe other landes and tenementes in B. and other places in the ſayde Countie, by force whereof the ſayd Earle was thereof lawfully ſeiſed in his demeſne, as of fee, and the iſſues and profits thereof ariſing and growing, did quietly take and conuert to his owne vſe, from the time of the bargaine, during all the life time of the ſaid Lord M. and W. S. which was by the ſpace of three yeres, after the death of the ſayd Duchelle or thereabouts. And afterwardes, that is to ſay, about fiue yeres laſt paſt, the ſayde M. dyed, ſince whoſe death the ſaid J. C. W. S. F. S. T. M. D. W. M. and J. T. And the ſayd M. late wife of the ſaid W. S. and executrix or adminiſtratrix of the ſaid Will, as the ſaid Earle is informed, by the agreement and priuitie of Ed. Lord Morley, and the Lady Elizabeth his wife, daughter and heire of the ſaid Lorde Mount Eagle, hauing gotten into their hands the ſaid Indenture of demiſe, albeit that the ſaid T. perfourmed not the conditions and couenants betweene him & the ſaid Lord M. amongſt themſelues, did contemne and fruſtrate the ſaid truſt repoſed by the ſaid Lord M. in the ſayde W. S. and M. or the one of them to thintent

to extend the said Recognisance of two thousand pounds, vpon the said Manor of B. And such other lands and tenements as the said Earle hath purchased of the said Lorde M. contrary to the good meaning of the said Lord M. and contrary to the great trust and confidence by him reposed in the said W. S. and M. his wife, and the true meaning of the said Indenture of lease. And for that purpose haue procured the said Estate and interest of the said W. S. and M. of the said third part to be conueyed to the said M. to the intent that the said W. M. should enter into the said third parte so leased, as is aforesaid, to disturbe the possession of the said C. and F. S which he hath done accordingly, to the entent that therby, the said J. C. and M. S. might haue some color to extende the said Recognisance of two thousand pounds against the sayd Earle, notwithstanding that the said J. C. and F. S. euer since the entrie of the said M. haue quietly occupied the said demised third, and yet do quietly occupye the same, not hauing had any damage thereby to the value of vj li. by reason of the said lease. All which notwithstanding, if it may please your good Lordship, the said M. S. F. S and J. C. haue procured execution of the said Recognisance of two thousand pounds, to be sued against the said Earle by prices out of this honorable Court, according to the forme and effect of the sayde Recognisance, for that as they suppose the said third part is charged with the said lease thereof made to the said S. & his wife, & assigned by the said S. to the said W. M. who by force therof hath entred into the said third part, & disturbed the possession of the said J. C. & F. S. & their assigns, And for that by means therof the said Manor, lands, & tenements to them bargained and sould by the sayd Lord M. in forme aforesaid, were not saued harmeles by the saide Lorde M. or his heires &c. and from all and singuler leases had, made, or granted of the said Manor and other the premisses

mentioned

mentioned in the ſaid Indenture of bargaine and ſale, according to the ſo:me and effect thereof, which ſaid p:actiſe and compact is much againſt the ſaid truſt and meaning of the ſaid Lo:d M. repoſed in the ſaid W. S. and M. his wife, and againſt the true meaning of the ſayd Indenture of leaſe and recogniſance, tending to the great loſſe and damage of the ſaid Earle, and againſt all right, equitie, and good conſcience, if the ſayd purpoſe ſhould not by equitie and conſideration of this hono:able Court be p:euented and mett withall: In conſideration whereof, and fo: ſomuch as, aſwell the ſayd truſt touching the ſayd leaſe as the ſaid compacte and agreement amongſt the ſaid parties to extende to the ſaide Earle, his ſaide landes by reaſon of the ſaydo Recogniſance by matters ſecretly agreed vpon amongeſt them ſelues, the ſayd Earle not knowing any witneſſes which were p:eſent at the making thereof, ſo that the ſayd Earle can verie hardly make ſuch p:oofe in this hono:able Court thereof, o: of the ſayde conditionall deliuerie of the ſaid Indenture, as is neceſſarie in that behalfe, vnleſſe the ſaid parties o: ſome of them will confeſſe the ſame in their anſweres vpon their othes in this hono:able Court, as the ſaid Earle verily thinketh they will. And fo: aſmuch alſo as it is verie likely, that the ſayd Lo:d M. would neuer haue entred into the ſayde Recogniſance of two thouſand pounds fo: the perfo:mance of the ſaid couenants of the ſaid Indenture of bargaine and ſale, without making exception therein of the ſaid leaſe, if the ſaid leaſe of the ſayd third part before the making of the ſaid Indenture of bargaine and conueiance, had not bin ſo deliuered of credite and of truſt fruſtrated o: grantd ouer to the ſaid W. M. o: ſome other by the conſent and agreement of the ſaid I. C. and F. S. fo: their benefit, fo: the auoiding of new charges growing betweene the making of the ſaid leaſe and the ſaid bargaine. And albeit aſwell the other two partes of the ſaid lands, as all other

landes and tenements with thappurtenances, bargained and sould by the said Indenture, were and be clerely discharged of all incumbrances, according to the true meaning of the said Indenture, it may therefore please your good Lordship, the premisses considered, to graunt vnto the said Earle, the Quenes Maiesties most gratious writ of Subpena to be directed vnto the said I. C. M. S. E. L. M. and E. his wife C. D. W. M. I. T. and M. commaunding them and euerie of them at a certaine day and place, and vnder a certeine paine therein to be limitted, to be, and personally to appeare before your good Lordship in the Quenes Maiesties high Court of Chauncerie, then and there to answere vnto the premisses, and to abide such further order and direction therein, as to your honor shall seeme to stand with right, equitie, and good conscience. And the said Earle &c.

SECTIO 129.

A bill for the defendant by meanes of entermariage, with the wife and executrix of one, who by casual meanes got the possession of one deed of demise indented made vnto the plaintife, deteineth the said demise, and by color therof doth occupie the tenements demised, & taketh the profits to his owne vse.

TO most humble wise complayning sheweth vnto your good Lordship, your dailie Orator I. M. of B. in the coũtie of N. That whereas one T. C. of D. within the countie of Y. did by his deed Indented of demise, about the fiftenth yere of the raigne of our Soueraigne Ladie the Quenes Maiestie that now is, demise and graunt to your said Orator, tenne acres of land, fiue acres of meadowe, and fiue acres of pasture with thappurtenances, lying and being in B. aforesaid: To haue & to hold to your said orator and his assignes, for the terme of xxj. yeres, from and after A a cer-

a certaine day therein expressed, if the said T. C. should so long live, for the yerely rent of twenty shillings, payable at the feast of P. and Saint M. the Bishop in winter, by euen portions. But now so it is, if it may please your good Lordship, that the said Indenture, the certain dates or contents whereof, your said Lordshippes Orator knoweth not, before the day when the said lease shoulde beginne and take effecte, did by casuall meanes come to the handes, custodie, and possession of one I. W. who made his last will and Testament, and therein appointed one C. then his wife, his sole executrix and dyed, by and after whose death the said Indenture came into the hands and custodie of the said C. since which time the said C. did marie, and toke to husband one R. I. of B. by reason of which intermariage the said Indenture is nowe come to, and remaineth in the handes, custodie, and possession of the sayd R. I. and C. his wife, or of the one of them, who by reason of hauing of the sayd Indenture, without any iust title or interest therein, haue entred into the said premisses with thappurtenances, and will not in any wise quietly permit and suffer your Lordships said Orator to haue, and inioy his said terme, of, and in the premisses, according to his lawfull right and interest therein, but contrarie to all equitie and good conscience, haue euer sithence taken and conuerted, and as yet doe daillie take and conuert the issues to their owne proper vse and behoofe, and will neither deliuer vnto your Lordships sayd Orator the sayde Indenture, nor permitt and suffer him to haue and peaceably enioy the said premisses, as aforesaid, or any part thereof, although your said Orator hath at diuers and sundrie times required them so to doe. In consideration whereof, and for as much as your Lordshippes sayd Orator is without all helpe and remedie at the Common Lawe, for that he knoweth not, nor remembreth the dates or contents, or any other certaintie of the said

Indenture. May it please your good Lordship to graunt her Maiesties gratious writ of Subpena to be directed to the said W.I. & E. his wife, & to either of thē, commaunding them and either of them thereby, personally to appeare before your honor in her Maiesties high Court of Chauncery at Wl. at a certaine day, & vnder a certaine pain by your honor therein to be limitted there &c.

SECTIO. 130.

¶ *A bill against an Infant for bourding, and apparell deliuered to him by the plaintife, and for not performing of a lease.*

TO moste humble wise complaining sheweth vnto your honorable Lordshipp, your dailie Orator T. T. of B. in the countie of D. Husbandman: That whereas about 4. yeres now last past, one G. B. of B. aforesaid yeoman, being seised in his demesne as of fee, of, and in diuerse lands, tenements, and hereditaments with their appurtenances in B. aforesaid, houlden in Socage of I. S. as of the Manor of D. which said tenements & premisses the said G. B. had by discent, by and after the death of B. his late father, and the said G. B being thereof so seised, and being of the age of xx. yeres or there abouts, and vnder thage of xxj. yeres, about the xxv. day of July, which was in the xxx. yere of the raigne of the Quenes moste excellent Maiestie that now is, by means, counsail, procurement, and persuasion of diuerse euil disposed persons (that is to say) one A. E. I. M. W. M. L. C. H. M. N. H. W. H. & D. D. intending by their vngodly compact and practise to make a pray of the simplicitie of your said orator, being an ignorant, vnlearned man, the said G. B. came vnto your said orator, pretending that they did then beare great good will and fauor to your said orator, and therefore entreated your said orator that he might bord and remaine with your sayd Orator in his house at B. aforesaid, and not onely haue meate, A

drinke

drinke and lodging, but also such apparell and raiment as your said Orator should thinke meet and conuenient for his degree and calling, at the costes and charges of your said Orator, promising faithfully and fully to satisfy your said orator for all such charges and expences as he by reason of the premisses should in any wise sustain. Wherefore your said Orator giuing credit vnto the said G. B. in the premisses, and thinking that, that he had faithfully promised he would fullie and effectually haue performed, did then fullie consent and agree to, and with the said G. B. to find him meat, drinke, lodging and apparell as is aforesaid, for the consideration aforesaid. By pretence whereof the said G. B. about the same time came to the said house of your said orator & remained ther with your said orator, vntil about the second day of Februarie then next following, during all which time your said Orator at his own proper costes and charges, did prouide and find for, and vnto the said G. B. all manner of necessarie meate, drinke, lodging, apparell, and all other thinges necessarie for him. About which second of Februarie the said G. B. pretending to continue his said fauor and good will towards your said Orator, by the like counsell, meanes, and perswation of the said euill disposed persons, and by their compact and agreement, did demise and lease vnto your said Orator, all, or the most part of al the said messuage, tenements, & premises ỹ he the said G. B. so had as is aforesaid, by discent from his said father, to haue and to hold the said tenements, and premisses, with the appurtenances to him, his executors, and assignes, from the feast of the Annunciation of the blessed virgin Marie then next ensuing, vnto the end and terme of three yeares thence next ensuing, your said orator, and his assignes, yelding and paying therefore at the end and expiration of the said terme of three yeares, twentie pounds of lawful English money. And also finding vnto the said G. B. during the said time of three yeares conue-

nient

nient lodging, meat, drinke, and apparel, & also keeping for the said G. B. twenty sheepe, by reason of which demise, your said Orator about the said feast of the annunciation of the blessed virgin Marie, did enter into the said demised messuages, tenements, and premisses, & occupied the same messuages, tenements, & premisses, by ỹ space of 2. yeares, or thereabouts, and during the same time, did at his owne costes and charges provide & find vnto the said G. B. conuenient meat, drinke, lodging, & apparel, & also his twenty sheepe, according to the said agreement, and besides those twentie, fortie sheepe more at the least, to the charges of your said Orator of one hundred markes at the least. But nowe so it is, It it may please your Honorable Lordship to vnderstand, that about the 1. day of March, which was in the two and thirtie yeare of our Soueraigne Ladie the Quenes Maiesties raigne that now is, your said Orator having then inned into the Barnes of the said tenements and premisses fortie loades of Hay, or thereabouts, part thereof did grow vpon the said tenements and premisses, but ỹ most part therof was brought from other places, and having also manured ỹ said grouds to his exceeding great costes, & charges, the said G. B. being then of full age, by the like perswation & procurement of the persons abouesaid, did enter into the said demised tenements and premisses, whereof your said Orator was thē quietly possessed, as he then found the same. And he together with the said A. C. I. M. W. N. C. H. D. N. H. W. H. & H. G. did take away and conuert to their owne vses, the most part of the said fortie loads of Hay or thereabouts to the value of 20. markes at the least. By meanes whereof your said Orator having against the Winter before, prouided great store of beastes and cattell for to haue eaten the said Hay for the sustenance of them, he was inforced to buy & did buy a great quantity of hay at an excessiue price, or else to haue famished the most of his said beastes for want

of

of fodder, which was to ỳ great losse & damage of your said Orator. Neuertheless ỳ said G.B. by the like counsel & perswation of the said euil disposed persons, albeit he hath bin sundry times gently required by your said Orator to make vnto him some reasonable recompence & satisfaction for ỳ losse of his said terme, and for such costes and charges, as he had bestowed for the manuring and bettering of the said groundes so to him demised, and for such costes & charges as he your said Orator did sustaine & beare, for and by reason of the keeping, & maintaining of him the said G.B. as is aforesaid, with apparell, meate, drinke, and lodging, he vtterlie denieth, & refuseth to yeeld vnto him any maner of satisfaction or recompence for the same, or part therof, alledging, that at the time of the making of the said seuerall contracts, he was within the age of one and twentie yeares, and therefore the same contracts being merly void in law. And not so contented, doth yet by the like counsell and perswasion of the said euill disposed persons, sue your poore Orator, for the occupation and vse of the said groundes, and for the profits and commodities therof during the foresaid terme. Notwithstanding, that he himselfe, and his said confederats did so as is aforesaid, vniustly take away your Orators said hay, being of far more value then the profites which he euer receiued of, for by the groundes so to him demised, did amount vnto, against all right, equitie, or good conscience. In tender consideration wherof, and for so much as your said Orator is a verie poore man, and hath no ordinarie remedie by the strict course of the Common Lawes of this Realme and dominion of England, to recouer any thing at all against the foresaid G.B. as well by reason that the said seuerall contracts and agreementes were so vncertainly made, as is aforesaid with him, being at the making hereof an infant, as for that the same cõtracts & agreemẽts were made priuately betweene your foresaid Orator and

him

him the said G. B. few or none being present thereat, which can testifie the same, neither can your said Orator set downe in certain, how much of his said hey they did so take and carie away, and yet is there great cause in equitie why your said Orator should be relieued for the same in in this Honorable court. It may therefore please your Honorable Lordship, the premisses graciously considered, to grant vnto your said orator the Queens Maiesties most gracious seuerall writtes of Subpena to be directed vnto the said G.B. A.E. I.M.W. M.T. C.H. M. N.H. W. H. & H. G. & euerie of them, therby commaunding them, & euerie of them vnder a certaine paine, and at a certaine day therein to be limitted and appointed, to be, and personallie to appeare before your Honorable Lordship in her Maiesties most high court of Chauncerie, then and there to answere vnto the premisses, and to abide such further order and direction therein, as to your honorable Lordship shall seeme to stand with right, equitie, and good conscience. And your said orator shall daily pray vnto Almightie God for the preseruation of your Honorable Lordship in good health long to continue with much encrease of honor &c.

SECTIO. 131.

¶ A bill of debt vppon a contract against the surviuing partner, or ioynt chapman, and thadministrator of thother.

TO most humble wise complaining sheweth vnto your ho- A
norable Lordship your daily Orator R. P. of L. in the countie of Yorke chapman, that whereas the third day of May now last past, which was in the fiue and thirtie yere of the most prosperous raigne of our most gratious Soueraigne Ladie Elizabeth the Quenes most excellent maiestie that now is, and before and after the said third day of May, one W.T. of W. in the countie of Y. grasier, now lately deceased, were chapmen, partners, copertioners, or

parting

parting fellowes, did then as partners & parting fellowes ioyntly occupie together in all maner aſwell of buying, & ſelling, bartering, or bargaining of beaſtes and cattell, with their ſeuerall ſtockes, and of, and with diuers other goods, beaſtes, and cattell taken vpon their credit, and of, and with al encreaſe and gaines from time to time ariſing and growing by reaſon of their ſaid occupying, as by factorſhip, alienation, exchaunge, or otherwiſe, for a certaine time betweene them the ſaid W. T. and R. W. priuately agréed vpon, and it was alſo then agréed betweene them, that during the time of their ſaid ioint occupying together or partnerſhip, either of the ſaid parties ſhould be faithfull and true to other in buying, ſelling, and otherwiſe, as is aforeſaid. And all ſuch lucre, profit and gaine, aduantage, benefite, and winning, as ſhould come, grow, or ariſe in buying and ſelling any beaſtes or cattell, during their ioint occupying or partnerſhip, ſhould be equally parted and deuided betweene the ſaid parties, ſo as either of them ſhould haue his iuſt and true moitie and portion of the ſame. And that at ſuch times as it was betweene them agréed vpon, either of them ſhould make a iuſt and true reckoning and accompt with other of buying and ſelling, of all ſuch beaſtes and cattell, and otherwiſe as aforeſaid. And it was then alſo agréed betweene them the ſaid W. T. and R. W. that if any loſſe or charge ſhall happen to either of the ſaid parties at any time or times during their ſaid ioint occupying together, and partnerſhip, by death, of cattel, euill debts, caſualties, or otherwiſe concerning their ioint occupying to any part of the ſaid ſtocke in buying and ſelling of beaſtes or cattell, or otherwiſe, as is aforeſaid, to be impaired, that the ſame loſſe and charge ſhould be equally borne by both the ſaid parties. And if it ſhould happen either of ỹ ſaid parties to die during the ſaid ioynt occupying or partnerſhips, then the executors or adminiſtrators of the goods and chattels of the partie ſo dead

ſhould

ſhould make a iuſt & true accompt, paiment, and deliuery of ſuch part of al encreaſe, gaines, beaſts, cattel, & debts, as ſhould be due to ỳ party ſuruiuing. And in like maner that the party ſuruiuing ſhould make & declare to the executors of the goods & chattels of the party ſo dead, a iuſt, true & perfect accompt and reckoning of all the ſtate and qualitie of their ſaid ioint occupying or partnerſhip, & alſo pay, deliuer & aſſigne vnto the ſaid executors or adminiſtrators of the party ſo dead, ſuch moity, half part & portion of the ſaid increaſe, gaines, beaſts, cattel, and debtes, as vpon the ſame accompts ſhould then haue bin due vnto the party ſo dead, in ſo large and ample maner, as if he had bin then liuing, & ỳ ſaid ioint occupying then ended, at ſuch times, and in ſuch maner, as it was betwéne the ſaid parties agréed vpon, by force of which agréemnet, they ỳ ſaid W. T. R. W. iointly, as coparteners, ioint Chapmen partners, or parting fellowes, occupied together their ſaid ſtocks, & other things aforeſaid, & according to their mutual agréemẽt, by buying, ſelling, and exchaunging of beaſts & cattell, & otherwiſe, in ſundrie faires & markets of this realme of E. & with diuers & ſundry of her maieſties faithful, & louing ſubiects vntill ỳ day of &c. now laſt paſt, at which time ỳ ſaid R. W. died and the ſaid W. T. him ſuruiued, during which ſaid ioint occupying together, partnerſhip, or ſocietie, that is to ſay, the third day of May now laſt paſt, the ſaid R. for, and to thuſe of himſelfe, and of the ſaid W. T. his partner, and ioint chapman, as is aforeſaid, at N. in the countie of N. did buy of your honors Suppliant in the open market then there holden, three oxen for fiue pound fiue ſhillinges, of which ſumme, we were then in hand paied, and the reſidue was then agréed to be paied vnto your orator vpon the tueſday in Whitſon weeke then next following in N. aforeſaid, & alſo vpon the Wedneſday enſuing the day, cõmonly called or knowen by the name of Holie-Thurſdaie, the ſaid R. W. did alſo buy to the vſe of him, and the ſaid T. of your

ſaid

ſaid Orator other two Oren for eight pounds, to haue bin paied to your orator vpon the ſaid Tueſday in Whitſon-weeke, at S. aforeſaid, which ſaid oren were then accordingly deliuered to the ſaid R. W. at S. aforeſaid, and ſhortly after the ſaid R. W. deliuered the ſame oxen to the handes of the ſaid W. T. and died, not hauing paied or ſatiſfied this your Orator of, and for the ſaid 14. pounds, nor of any part thereof, according to the ſaid bargaine, the ſaid Oren remaining in the hand and poſſeſſion of the ſaid W. T. at, and after the time of the death of the ſaid R. W. and were ſithence by him the ſaid W. T. conuerted to his owne onely vſe, by meanes whereof, action accrewed vnto your ſaid orator, to demaund, and haue of the ſaid W. T. & of one E. W. of S. in the countie of E. widow, late wife of the ſaid R. W. or of the one of them, the ſaid 14. li. ſo to him due for the ſaid oxen, which the ſaid E. W. by the compact and conſent of the ſaid W. T. & R. W. became executor to the ſaid R. W. & wrongfully adminiſtred & conuerted to his owne vſe diuers goods & chattels which were belonging to ỳ ſaid R. W. at the time of his death. And albeit your ſaid orator hath diuers & ſundrie times come & ſent to the ſaid W. T. & E. ſince the death of the ſaid R. W. gently requiring paiment of ỳ ſaid ſum of 14. li. ſo as aforeſaid, being behind and vnpaied of the price of the ſaid oxen, notwithſtanding ỳ diuers goods & chattels, which were ỳ ſaid R. W. at ỳ time of his death ſufficient for ỳ contentation of your ſaid orator, of, & for his ſaid debt of 14. li. And alſo to performe ỳ funerals of ỳ ſaid R. W. & to ſatiſfy al debts which ỳ ſaid R. W. ought to any perſon or perſons at the time of his death, came to the hands & poſſeſſion of ỳ ſaid W. T. or E. W. or to the handes and poſſeſſion of ſuch perſon or perſons, to whom they the ſaid W. T. and E. W. or the one of them, haue left, yelded, or deliuered the ſame, or in their or ſome of their hands doth ſtill remaine. Notwithſtanding they, & either of thē haue diuers & ſundrie times ſince the death of

the

the ſaid R. W. be by your ſaid Orator and others in his behalfe gently required to pay the ſame, yet that to do they and either of them haue euer hitherto denied and refuſed, and yet do denie and refuſe to pay the ſame vnto your ſaid Orator, fraudulently intending therof and euery part thereof craftily and ſubtilly to defraud, and deceaue your ſaid Orator. And for that purpoſe haue ſecretly conueied, concealed, & hid a great part of the good & chattels, which the ſaid R. W. had at the ſaid time of his death being of good value to diuerſe perſons, & in diuers places to your orator vtterly vnknowen, ſo that the ſame being by that meanes left out of the Indenture of the good of ỳ ſaid R. W. to the intent to daſle & blind the eies of your orator, & of ſundrie of ỳ ſaid R. W. creditors to whō he was in like maner indebted, not knowing the truth of their dealing, and vngodly practiſes and deuiſes, intending by ſuch colorable meanes, either vtterly to defraud his ſaid creditors or ſo to inforce them to reſt contented with ſome ſmal part of their true and lawfull debt. And whereas afterwards T. T. vpō tueſday next after Mid. day now laſt paſt, your orator & the ſaid T. T. of L. in the countie of L. huſbandmā by a priuat agrēment betwēn them made, did iointly buy of diuers perſons to the vſe of them both, eightoxen, and 7. Bullockes, or Stēres for diuers ſeuerall ſummes of mony, & afterwards the ſaid beſtes, that is 7 of the ſaid oxen, & ỳ ſaid 7. bullockes & ſtēres at ỳ price of which 14. beaſts, & of the ſaid od Ore, your orator & the ſaid T. T. afterwards priuatly accompted, & thereupon ſatiſfyed your orator all ỳ to him was due for ỳ ſame but 3.li. 13.s. 4.d. or therabouts, & being perſwaded by ỳ ſaid W. T. & C. W. & by their pernitious example, not ſatiſfied with their former wrong as is ſaid, offered to your ſaid orator haue alſo perſwaded the ſaid T. T. not to pay to your ſaid orator the ſumme of 3.li. 13.s. 4.d. or thereaboutes ſo to him due, to ỳ price of the ſaid

oxen

oren, so that albeit the said T. L. haue often times since the making of the said bargaine and accompt, bin gently required by your said Orator and others on his behalfe, yet he hath euer hitherto denied and refused to make payment thereof, & still doth denie, and refuse to do the same, against all right, equitie, & good conscience, which vnlawfull practises of the said W. L. and E. W. and L. T. were likely to be to the great losse and hinderance of your said Orator, if spedie remedie be not by your good Lordship prouided to meete with, and preuent their couetous and most vnconscionable dealings in the premisses: wherefore, & for asmuch as the said agreement of partnership, and otherwise, made betwéen the said W. L. & R. W. and also all the compactes and practises made, by, and betwéene the said W. L. and the said E. W. since the death of the said R. W. And also the said agreemẽt of the Joint buying of the said fifténe beasts by your Orator, & the said T. and also the said bargaine betwéene your Orator & the said R. W. for the said fiue oren, as also the said Joint buying of the said fifténe beasts by your Orator, and the said L. T. were secretlie and priuelie made betéene themselues, so that there is no person lyuing, knowen to your said Orator, but the said W. L. E. W. and L. T. priuie thereunto, that can testifie the said seueral contracts, made betwéen your said Orator, and the said R. W. of, and for the said fiue oren, as is aforesaid, and the said Joint buying of the said fifténe beasts by your said Orator, and the said L. T. and their said accompts touching the same, or the said Joint occupying or partnership betwéene the said W. and T. or the said concealment, cunning, close, and vnlawfull dealinges of the said E. W. & T. in the premisses, so that your said Orator, through the want of such precise proofe thereof (as the strict course of the common Lawes of this Realme doth require) is altogether remedyelesse, by the order of this honorable Court, wherein your Orator verilie hopeth, that the said W. L. E. W.

and T. T. in their seuerall answeres to the premisses, wil severallie vpon their corporall Othes confesse the said premisses, to be in effect, as they haue bin herein disclosed and set forth: It may therfore please your honorable Lordship, the premisses graciouslie considered, to graunt vnto your said Orator, her Maiesties most gracious seuerall writs of Subpena, to be directed to the said W. T. E. W. T. T. and to euery of them, therby commaunding them, and euery of them, at a certaine day, and vnder a certaine paine therein limitted, to be, and personally to appeare before your honorable Lordship, in her Maiesties most high Court of Chauncerie, then, and there to answere vnto the premisses, and abyde such further order and direction therin, as to your honorable Lordship shall seeme to be agreeable with right, equitie, and good conscience. And your said Orator shall daily pray &c.

SECTIO 132.

¶ *A Bill vpon a promise to forbeare debt due by Obligation vntill an other day, and yet suing the land.*

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IN most humble wise sheweth and complaineth vnto your honorable Lordship &c. That where one R. F. of &c. in the Countie aforesaid Gentleman, was indebted to one W. P. of D. aforesaid, in the summe of &c. And whereas your said Orator, at the speciall and earnest intreatie and request of the said R. F. about two yeares last past, became bounden for the said F. vnto the said W. P. by his deede or writing Obligatorie, in the summe of &c. with Condition therein contayned or indorsed, for the payment of the summe of &c. vnto the said W. P. at the feast of &c. which was in the yeare &c. at, or in the Church porch of &c. aforesaid, as by the said deede or writing obligatorie doth

and

and may appeare: Which said summe of &c. your said Orator had appointed in a readynes, and purposed to pay the same at the time and place aforesaid, according to the condition of the said writing obligatorie: Whereupon the said W. P. the verie day appointed for the payment of the said &c. or the day before, the certaintie whereof your said Orator now remembreth not, came vnto your said Orator, and vpon speech had betweene your said Orator, and the said P. touching the payment of the said money: The said P. was contented, and did agree to forbeare the payment thereof, vntill the feast of &c. then next following, and did faithfullie assume and promise, to, and with your said Orator, both then, and at diuers times after, to forbeare the payment thereof vntill the said feast, and would not take anie aduantage of the forfeyture of the said bond against your said Orator, but would cancell the said bond, and take a new bond for the payment thereof at the sayd feast of &c. aforesaid, but neuer required any new bond from your said Orator: And your said Orator giuing credite to his promise and assumption aforesaid, did not pay the said summe of &c. according to the Condition of the said writing obligatorie. After which time, the said W. P. did oftentimes promise your said Orator, to deliuer the said bond of &c. to your said Orator to be cancelled, and to take new bond for the payment of the foresaid summe of &c. at the said feast of &c. according to his promyse and agreement aforesaid: And your said Orator doubting that the said P. meant to delay him, and driue him off from time to time, and fearing least the said P. should take any aduantage of the forfeiture of the said bond against him, in Mich. Terme last past, your said Orator demaunded the said bond againe of the said P. in L. who told your said Orator, that he had deliuered ouer the said bond vnto one W. W. being his brother in law, to whom he

had assigned ouer the said bond, and could not release or discharge the said bond, without thassent of ȳ said W. W. but would make meanes to the said W. W. for the deliuerie of the same, and fermed to make diuers iourneis to the said W. W. to fetch the same: And so from time to time delayed your said Orator, and droue him out with faire words, vntill such time as your said Orator was vpon occasion of busines, inforced to ryde out of L. into the Countrey: And shortly after, your said Orator purposing to get the same bond out of the said P. and W. hands, did in the said Mich. Terme, send one G. H. his seruant to L. with the said money, to make payment therof vnto the said W. and P. and to receiue the said bond, who comming to L. accordingly to the said W. and P. and declaring vnto them, that he was come to make payment of the foresaid summe of &c. and to receiue the said bond, the said W. then told the said H. that the said bond was not then in his custodie or keeping: But the said W. did then and there promise, that if the said H. would deliuer ouer a bond which he had in his keeping of trust, to the vse of the said P. that then the said W. and P. would the next day following, come to the said H. his lodging, & receiue the said &c. and deliuer ouer the foresaid bond of &c. vnto hym, vpon whose promise the said H. did then presently (trusting to his faire speeches) delyuer the said bond which he had, to the vse of the said P. to the said P. or W. accordingly. But so it is (may it please your good Lo.) that the said P. and W. nothing at all regarding their foresaid seuerall promises, agreements, and assumptions made, to, and with your said Orator, and the said H. as aforesaid, haue not onely hitherto refused and denied to deliuer ouer the said bond of &c. vnto your said Orator, according to the promises and agreements made, as aforesaid, but yet do vtterlie refuse and denie to do the same: albeit your said Orator did oftentimes, both before the said feast of &c. as aforesaid, and diuers times since, offer to make

payment

payment of the said summe of &c. vnto the said P. and W. according to the foresaid agreement, and yet is readie and willing to pay the same: But also the said P. and W. purposing to bring vpon your said Orator the whole penalty & forfeiture of the said bond of &c, haue, or one of them hath of late, contrarie to the foresaid assumptions & agreements made, as aforesaid, and contrarie to all honestie, equitie, and good conscience, commenced suit at the common Law against your said Orator vpon the said bond, to his great losse & hinderance. And the said W. P. hath of late vtterly denied, that euer he promised to forbeare the payment of &c. vntill the foresaid feast of &c. contrarie to the trueth, and contrarie to all equitie and good conscience: In tender consideration whereof, and for asmuch as your said Orator can not plead the promise and agreement of the said P. made to your said Orator, for forbearing of the money (as aforesaid) in barre of the said bond at the common Law, and thereby is void of all remedie, at, and by the strict order and course of the common Law of this Realme, nor can vse, nor bring any action of the case against the said P. or W. vpon their said promises and assumptions, for that your said Orator cannot make any such sufficient proofe therof, as by the common Law is required, for that the same were made priuatelie betweene them selues, and no witnesses called thervnto. And forasmuch as your said Orator verilie thinketh, that the said W. P. and W. W. being called into this most hon. Court to answere to the premisses, will in their answere vpon their corporall Othes confesse the foresaid conclusions, promises, and agreements made, as aforesaid, & disclose the trueth of the premisses: May it therefore please your good Lordship, the premisses considered, to graunt vnto your said Orator, the Queenes most gracious writ of Subpena to be directed vnto them the said W. P. & W. W. commaunding them, and either of them, at a certaine day, and vpon a certaine payne by your good Lordship to be appointed,

pointed, personally to appeare before your good Lordship, in the K. Maiesties most high Court of Chauncerie, then and there to answere to the premisses: And further to stand to, and abyde such further order and direction therein, as to your good Lordship shalbe thought most meete and conuenient in that behalfe. And your said Orator, according to his bounden duitie, shall daylie pray vnto God for the good and prosperous estate of your Lordship, in honor long to continue.

SECTIO. 133.

¶ The Answere of W. P. and W. W. defendants, to the Bill of complaint of E. L. complaynant.

THe said defendants, and either of them saith, that for the most part the said bill is vntrue, slaunderous, and insufficient in the Law to be answered vnto, and the matters therein contayned, deuysed of malice, to put these defendants to needles charges and expences in law, without any sufficient cause so to do: The aduantage of exception to which insufficient bill to these defendants at all tymes saued. For answere they say, and first the said W. P. for himselfe saith, that true it is, that the said Complaynant did become bound to these defendants, by his Obligation in the summe of &c. with Condicion indorced for the true payment of &c. at a day long since past, The which summe this defendant did verilie thinke to haue receiued accordingly, and thereof did make reckning, as of a debt then to be paied to him, and for that cause did at the verie day appointed for the payment of the same, repaire vnto the place specified in the condicion of the said Obligation, wher the said money should be paied, and there did attend for the same, in hope to haue receyued it accordingly: But the said Complaynant, meaning nothing lesse then the satisfying of the said debt, left the same vnpaied, to the great hinderance, losse, and discredite of these defendants. And this def. further saith, that he hath often & sundry times sithence A

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the said money was due, made meanes to the complaynant for payment of the same, who from time to time with faire promises (now almost these three yeares) hath delayed this def. to his greater hinderance, then the value of the said summe: By reason wherof, and forasmuch as the complainant hath sought diuers indirect waies & meanes to get the said Obligation of &c. out of the hands of this def. with intent neuer to pay penie of the det aforesaid: This def. hath caused the said obligation to be put in suit, as he thinketh it is lawfull for him to do, without that, that the complainant to the knowledge of the def. did prepare in a redines to haue paied the said &c. at the time and place, according to the condition of the Obligation aforesaid: Or that this def. vpon the verie day appointed for the payment of the same &c. or the day before, (or in trueth at any time els) did come to the complaynant, & had speech with him, that he was contented and did agrée to forbeare the paiment therof, vntill the feast of &c. then next following, or did assume and promis, to, and with the complainant, both then, and at diuers times after to forbeare the payment thereof, vntill the said feast, and would not take any aduantage of the forfeiture of the said bond, but would cancell the said bond, and would take new bond for the payment therof, at the said feast of &c. as in the said bill is most falslie and vntruelie declared. And without that, that the said complainant to the knowledge of the def. did send one G. M. his seruant to L. with the said said money to make paiment thereof to one of these defendants, as also in the said bill of complaint is vntruelie alleaged. For this defendant saith, that he sought often to the complaynant, and made meanes vnto him, to haue the said defendant either to be paied in money, or that he might be satisfied thereof some other waie, who made him manie promises to do the same with spéede, but neuer ment or intended it, for any thing that this defendant could get to the contrary. And the said W. W. the other of these defendants

for him selfe saith: That whereas he is charged to haue made promise to the said W. that if he would deliuer a bond which he had in his kéeping of trust, to the vse of the said P. that then he this defendant, and the said P. would the next day following, come to the said W. his lodging, and receiue the said summe of &c. and deliuer ouer the said bond of &c. He this def. saith, that he neuer made any such promise to the said W. to his remembrance, neither was there any cause at all that he should so do, aswell because in truth, and in honestie the said W. ought to make deliuerie of the said bond, so committed vnto him, but of trust, as appeareth by the plaintifes owne shewing, as also for that this def. was informed, that the said W. had deliuered the said bond before that they two met together to talke of the said det. And this def. further saith, that although it were true, that he had made such promise (as aforesaid) yet were it nothing at all materiall for the releefe of the complainant, aswell for the cause aforesaid, as also for that this defendant had no power of himselfe to do, either good or hurt in the matter. And without that, that any other matter or thing whatsoeuer materiall in the said vntrue bill to be answered vnto, and not in this answere sufficiently answered, confessed, and auoyded, trauersed, or denyed, is true. All which matters these def. are readie to auerre and proue, as this most honorable Court shall award, and praien to be dismissed wyth their reasonable costes in this behalfe wrongfullie sustayned.

SECTIO 134.

¶ The Replication of E. L. Esq. Complaynant, to the Answere of W. P. and W. W. defendants.

THe said Complaynant replyeth and saith, that the said bill of complaint by him exhibited into this most ho. Court, is verie true, certaine, and sufficient in the Law to be answered vnto. And that the matters therein contayned, are neither deuised, imagined, practised, or set forth by him the said A

ſaid complaynant, for any ſuch cauſe or purpoſe, as the defendants in their anſweres haue vntruely imagined, but the ſame is grounded vpon good and iuſt cauſe, as by the contents therof doth and may appeare. And further ſaith, that the anſwere of the ſaid def. is verie vntrue, vncertain, and inſufficient in the Law to be replied vnto. The aduantage of exception to thincertaintie and inſufficiency therof to the ſaid Complainant, now, and at all times hereafter ſaued. The ſaid Complaynant for further replication ſaith, that he doth, and will auerre, iuſtifie, maintaine, and proue all, and euery matter, article, ſentence, and thing in the ſaid bill of complaint conteined, to be good, iuſt, and true, in ſuch ſort, maner, and forme, as in the ſaid bill of complaint they be truely ſet forth, ſhewed, and declared. And further the ſaid Complaynant ſaith, that he doth, and will auerre and proue, as this moſt ho. Court ſhal and will award, that the ſaid complaynant did prepare in a readynes, and purpoſed to pay the foreſaid ſumme &c. in the ſaid bill & anſwere mencioned, at the time and place in the condicion of the ſaid Obligation mencioned, according to the true intent & meaning of the condicion of the ſaid obligation, in ſuch ſort, maner, and forme, as in the ſaid bill of complaint is moſt truely ſet forth & alleaged. And that the verie day appointed for the payment therof, or the day before, the ſaid W. P. one of the ſaid defendants did come to the ſaid Complaynant, and vpon ſpéech had betwéen them touching the payment of the ſaid money, the ſaid def. was contented, and did agrée to forbeare the payment therof, vntill the feaſt of &c. then nert following, in ſuch ſort, maner, and forme, as in the ſaid bil of complaint is moſt truely alleaged. With that alſo, that the ſaid W. P. did faithfully aſſure and promiſe, to and with the ſaid complaynant, both then, and at ſundrie times after, to forbeare the payment therof, vntill the ſaid feaſt of &c. aforeſaid & would not take any aduantage of the forfeiture of the ſaid bond againſt the ſaid complainant, but

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would cancel the said bond, and take new bond for the payment therof, at the feast aforesaid. And that the said complaynant, replying vpon the foresaid agreement, promise, & assumption of the said P. for the forbearing of the said &c. vntill the said feast of &c. aforesaid, & for the taking of a new bond for the payment therof, at the feast aforesaid, did not pay the same, according to the condicion of the foresaid Obligation, which otherwise he would haue done, in such sort, maner, and forme, as in the said bill of complaint is also most truely set forth & declared. And with that also, that the said complainant in Mich. Terme last past, sent the said G. W. his seruant to L. with the said money to make payment therof. And that the said W. W. the other def. vpon offer of tender of the foresaid summe of money by the said W. The said W. W. did promise to deliuer the said bond vnto the said W. within short time after, so as the said W. would deliuer ouer a bond which he had in his keeping, to the vse of the said P. and would also at a time betweene them agréed on, make payment of the said summe of &c. which bond was deliuered ouer accordingly, to the said P. or W. by the said W. And the said W. was readie to tender and pay the said money, according to the said appointment, in such sort, maner, and forme, as in the said bil of complaint is also truely alleaged. Without that, that the said W. P. one of the said defendants, sought often to the said complaynant, & made meanes to him to haue the said det, either to be paied in money, or that he might be satisfied thereof some other way, who made him many faire promises to do the same, but neuer ment, or intended it, in such sort, maner, and forme, as in the said answere is most vntruely alleaged: For the said Complaynant saith, that he did often and sundrie times, both before the said feasts of &c. and diuers times sithence, offer to make payment of the said summe &c. vnto the said W. P. and W. and alwaies was, and yet is readie and willing, vpon the redeliuerie of the foresaid bond, to pay

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the same, in such sort, as in the said bill of complaint is most truely shewed and alleaged. And without that also, that any other thing, matter, or circumstance in the said answere mencioned, materiall or effectuall to be replyed vnto, and in this Replication not sufficiently confessed, auoyded, denyed, trauersed, or otherwise replyed vnto, is true. All which matters the said Complaynant is readie to auerre and proue, as this most honorable Court shall and will award. And praieth, as before in his said Bill of complaint he prayed.

SECTIO. 135.

¶ *The Ioint and seueral Reioinder of W. P. and W. W. defendants to the replication of E. L. Complainant.*

THe said defendants say, and either of them for himselfe seuerally saith, that the replication of the said complaynant is vniust and vntrue, and very insufficient in the law by these defendants, or either of them to be reioyned vnto. Notwithstanding all aduantage of exception to the incertaintie and insufficiencie thereof to these defendants, and to either of them at all times hereafter being saued, for reiounder vnto the said insufficient replication: These defendants say, and either of them for himselfe seuerally saith in all and euerie matter and thing, as they and either of them in their said seueral aunsweres haue sayd, without that, that any other matter, cause, or thing whatsoeuer, materiall or effectuall conteined in the said Replication, and by these defendants or either of them to be reioined vnto, and not herein sufficiently confessed and auoided, trauersed or denied, is true. All and euerie which matters and things these defendants and either of them are readie to auerre and proue.

Sect' 135.

SECTIO 136.

¶ *A bill for deteining landes with euidences.*

MOst humbly complaining &c. your daily oratour I. S. of A
A. in the countie of H. Husbandman. That whereas R. S. of H. in ỹ countie of H. aforesaid husbandman, & grandfather to your oratour was in his life time seised in his demesne as of fée, or in fée taile, of, and in a certain messuage, landes and tenements, to the yearly value of &c. or thereabouts, lying in H. aforesaid, and of the same died seised. By force whereof the said messuage, landes, and tenementes discended and came (as of right they ought) vnto one I. S. Father to your said oratour, sonne and heire to the said R. who afterwards entred into the same, and was for diuers yeres seised of the same messuage, lands, and tenements accordingly, vntill about the first yere of the raigne of the late King Ed. the 6. At which time one W. G. of H. aforesaid, happening by casuall meanes to get into his possession all the euidences, charters, and writings concerning the said landes and tenements: And knowing that your said Oratours father could not for want of those euidences, charters, and writings defend his right, title, and interest, to the lands aforesaid, entres also into the said messuage, lands, and tenements, and the same wrongfully did withhold and deteine, during the terme of his naturall life: sithence which time, one T. G. of H. aforesaid, and E. G. widow, mother to the said T. hath also entered into the said messuage, lands, and tenements, and the same to this day most vniustly withhold, together with all the charters, euidences, and writings aforesaid, which in right & equitie belong and appertaine to your Orator, as sonne and heire to the said I. S. now deceased: In tender consideration wherof, and for somuch as your Orator doth not know the certaine dates of the charter, euidences, and writings aforesaid, nor of any of them, neither doth know whether they are in bagges, or bore sealed, or in chest locked, he is without

out all remedie at the common lawes of this Realme, and also without all other meanes how to find relefe in this behalfe, except your Honorable Lordships fauour be extended. And that the said T. G. and E. G. may by your Lordships order be compelled vpon their oathes plainly, and truely to shew forth their estate, in, and to the messuage, landes, and tenementes aforesaid, and also to shew what right, title, or interest they haue or claime in, and to the same, and likewise to shew the effect and certain dates of such charters, euidences and writings aforesaid, as they, or either of them haue in their possession concerning the messuage, landes, and tenements aforesaid, or any part thereof. May it therefore &c. as before.

SECTIO. 137.

¶ *The Answere.*

A These defendants by protestation say, and euerie of them saieth, that the bill of complaint exhibited into this Honorable court, is for the most part vncertaine, vntrue, and insufficient in the law to be answered vnto. And that the matters therein conteined are deuised by the complainant onely, to molest and trouble these defendants, being very poore, rather then vpon any iust cause. Neuertheless the aduantage of exception to the vncertaintie and insufficientie of the said bill to these defendants at al times saued, for answere and declaration of the truth, say, and euerie of the saith, that true it is, that one R. S. of F. in her maiesties countie of Y. was in his life time seised in his demesne, as of fee, of, and in one messuage, and certaine lands, and tenements in Y. in the said countie of Y. and being so seised by his deed of feoffment vnder his hand and seal, about the 36. yeare of King H. the 8. conueied, and assured the same messuage, and landes vnto one I. S. his sonne, and to his heires & assignes for euer, as by the deed of the said R. vnder

his

his hand and seale readie to be shewed vnto this honorable court doth and may appeare. By force whereof the said I. S. was seised in his demesne as of fee. And being seised, for a certaine summe of money to him paid by W. G. father of one of the defendants, did convey and assure the said messuage and landes vnto the said W. G. and his heires with warrantie, as by the deed and releas of the foresaid I. S. doth and may appeare. After which the foresaid W. G. the father vnto the said Defendant died of the said messuage and land seised. After whose death these Defendantes entred, injoyed to their owne profits, and to their owne commodities, and occupied the said messuage and landes, as lawfull was for them to doe, without that, that R. S. of Y. in the said Bill mencioned, was seised of the messuage and landes in the Bill mencioned in fee taile, or that the said I. S. father of the Complainant was seised of the premisses in the first yeare of King Edward the first, or that the said W. G. father of one of the defendants got the possession of the messuage, and the evidences concerning the same, otherwise then was lawfull for him to doe. Or that the defendants, or any of them do vniustly withhold the said messuage or landes in the Bill mencioned, or the evidences concerning the same, otherwise then is lawfull for them to doe in respect of their right. And without that, that the said messuage and landes with the evidences concerning the same do in right or equitie appertaine to ỹ complainant, as sonne and heire to I. S. the father. And without that, that any other matter or thing in the said bill contained concerning these defendants, and not in this answere sufficiently confessed, and avoided, trauersed, or denied, is true. Concerning all which matters, these foresaid Defendants are verie well able perfectly to aver and proue &c. vt supra.

SECTIO 138.

¶ *The Replication.*

A The Complainant auerreth and maintaineth his said bill of complaint, and all and euery the matters and things therein contained to be verie good, iust, and true in such sort, maner and forme, as in the said bill of complaint is declared. And sayth that the answere of the defendants for the most part is vncertein, vntrue, and insufficient in the Law to be answered vnto. Neuertheless al aduantages of exception to the insufficiencie therof to this complainãt, at all times hereafter saued, for replication saieth in all and euerie thing, as in the said bill of complaint he hath said. And further saieth that he doubteth not but that he can verie sufficiently proue that the said I. S. this complainants father, was about the first yere of the raigne of king Ed. the sixth, or not long before, seised in his demesne as of fee taile of the foresaid messuage, lands and tenements in the said bill mentioned. And he also hopeth to proue al the rest of the parts of the said bill, in such sort as the same is truely declared and set downe: without that, that these foresaid R. S. this complainants grandfather being seised of the premisses in his demesne as of fee, did lawfully by his deed of feoffement vnder his hand and seale, about the 36. yere of king H. the eight, conuey and assure the said messuage and lands vnto one I. S. his sonne, and to his heires and assignes for euer. Or that the said I. S. being of the premisses seised in his demesne as of fee, for a certein summe of money to him payd by the said W. G. father of one of the defendants, did lawfully conuey and assure the said messuage and lands vnto W. G. one of the said defendants, and his heires with warrantie, as in the said answere is verie vntruely alleaged And without that, that the said W. G. father to one of the defendants, died of the said messuage and lands seised in such sort, as in the said answere is likewise declared, or that it was lawful for the said defendants after

the

the death of the said W. G. to enter and occupie the foresaid messuage and lands, as also in the said answere is inserted And without that, that any other matter, cause, or thing whatsoeuer in the said answere conteyned, and not in this replication sufficiently confessed, auoided, denyed, or trauersed, is true. All &c. vt supra.

SECTIO. 139.

¶ *A Bill for debt leuied by extent.*

COmplaining sheweth &c. A. B. of &c. That whereas the A
said A. B. in the beginning of her Maiesties raigne, lyuing in her highnes court, for his furniture of iewels, plate, money, and such like, had credite with one C. D. Citizen and goldsmith of London, for the which as he had occasion to borow any mony, or take vp any wares, so he deliuered his bils or obligations for the true payement of any such money so borrowed, or for the price of any such wares so bought, at daies betwixt them agreed: which daies he alwaies kept, or took order for the forbearing therof by himselfe or his seruants, such as he did imploy in those affaires. Amongst which there was in D. in the first yere of &c. a certeine debt or reckoning (of how much certeinly he now remembreth not) betwixt him the said C. D. and the said A. B. for the which he the said A. B. was bound to the said C. D. in the summe of &c. by his deede obligatorie, bearing date &c. which obligation (as he now remembreth) was single with a defeasance for the debt, which was then agreed vpon to be aunswered at a certaine day following: which said debt he the said A. B. payed accordingly by his then seruants and officers, who vnknowing vnto the said A. B. did negligently (as is to be cõiectured) leaue the bonds in the hands of the said C. D. after the reckoning and debt paied or discharged. And so afterwardes the said A. B. did deale and continue in further credite with the said C. D.

for

for diuers other great ſummes of Money, Jewels, and Plate, ſome vpon the ſaid Goldſmiths Booke, and ſome vpon Billes and bondes, whereof the moſt part were afterwards diſcharged, ſauing one det by recogniſance about the foure and twentie day of &c. in the &c. being to the value of 200. marks. In which ſaid latter debt, the ſaid A. B. preſuming of friendſhip, and friendly dealing at ẏ ſaid C. D his handes, becauſe he had bin a very good cuſtomer vnto him, did not ſo preciſely kepe his day, thinking he would haue reaſonably dealt with him, being allowed for conſideration for forbearing thereof, as at other times he had done. Notwithſtanding, he the ſaid C. D. contrarie to the ſaid A. B. his expectation, did put the ſame recogniſance in ſuit preſently after the forfaiture thereof. And the ſaid A. B. being then buſied in her Maieſties ſeruice, the ſaid C. D. had iudgement vpon the ſaid recogniſance againſt him before he could ſend vp to take any order for the ſaid latter debt by the ſaid recogniſance, and after toke execution of the moitie of a manor of the ſaid A B. called &c. in &c. which for the paiment and performance of the ſaid debt was extended vnto twentie markes by the yeare. And ſo did leaue the ſaid whole forfeiture vpon the ſaid A. B. his Manor and Landes with great extremitie, vpon which extreme dealing he the ſaid A. B. finding himſelfe moſt cruelly and hardly dealt with, did refuſe to buy or ſell with him, and willed his Bailife of his ſaid Manor to take acquittances of him at euerie paiment: who not onely did ſo, but vpon the laſt paiment the foreſaid C. D. did acknowledge to him that paid the money, that I was then cleere with him, & did owe nothing, or to ſuch effect, notwithſtanding the foreſaid A. B. accompted of him as of a verie extreame man: which the ſaid A. B. his diſpleaſure towards him being notifyed and verie well knowen vnto him, both by letters from himſelfe and otherwiſe, yet the ſaid C. D. liuing nine or ten yeares after that, it can not

be intended, that he who whileſt they were in amitie, did ſue the ſaid A. B. vpon the ſaid recogniſance and debt therin conteined, being of ſo ſmall a value, would, at the firſt haue left the elder bond, and debt, being of a greater ſumme vnſued for, if it had bin vnanſwered, for, or not paid, much leſſe afterwards during all the ſpace of nine or ten yeares, when he the ſaid A. B. for his hard dealing had left to be his cuſtomer, or to deale with him, and thought but hardly of him, as he had no leſſe cauſe: So though it be moſt ſure and true, that the ſaid debt, for which the ſaid two hundred poundes bond was made in the ſaid firſt yeare of the raigne of &c. was long ſince fullie anſwered, yet it being ſo long ſince, the ſaid A. B. can not preciſely call to mind vpon the ſodaine who paid it (diuers of his officers which dealt for his reuenues, & especially one I. P. whom principally he vſed in thoſe affairs, being now dead) whereby he can not vpon a ſpeedie triall at the common law proue the paiment thereof by ſtrict and preciſe courſe in that behalfe requiſite, and the rather, for that the Indentures for the defeaſans of the ſaid recogniſance, came by ſome caſuall or negligent meanes to the handes of the ſaid C. D. and of I. his Wife, although it be manifeſt by the preſumptions aforeſaid, that the ſaid C. D. would not haue let it lye ſo long vndemaunded, if he had not bin ſatiſfyed, which the ſaid A. B. doubteth not to proue in this Honorable court, for that alſo he thinketh there be yet ſome liuing that were preſent at the laſt reckning, that the ſaid A. B. or his officers made with the ſaid C. D. either when he agreed for the ſaid ertents, or about that time: at which time he the ſaid C. D. did acknowledge, that all matters, debtes, and reckonings whatſoeuer, were then fully cleared, and quitt betwixt the ſaid A. B. and the ſaid C. D. And that the ſaid A. B. did not then owe him any thing. But ſo it is the ſaid C. D. now being dead, and I. his wife being his executrix,

who

who finding the said bond of two hundred poundes remaining vncancelled, rather as it should seeme by those which haue conferred with her, vpon some woords spokē, or conceit of offence, that she hath conceaued of the said A.B. his displeasure towards her late husband, then otherwise vpon any iust cause, she the said I. hath published, that she hath such an ancient bond of the said A.B. bearing date &c. of two hundred poundes, and intendeth to put the same in suit against the said A.B. In tender consideration whereof, the apparant likelihood of the said debt before recited being most true, and the same discharged, & yet the proofe of the discharge thereof in strict course of law being had for the said A.B. to make the said I.D. & some others who dealt for him being now dead, and the said defeasans being come to her handes (as afore said) but onely vpon oth of the said I.D. who was priuie to that, & most of her husbandes reckonings & doings in his life time, & yet would not vniustly charge ẏ said A.B. with the said debt, by meās that she hath both partes of the defeisans in her hands, whereby the said A.B. cannot plead them, and not knowwing the date of them, or wherein they are conteined, can not demaund them by the ordinarie course of the law. May it therefore please your good Lordship &c.

SECTIO 140.

¶ *The Answere.*

A The said defendant saith, that the said bill of complaint exhibited against her in this Hō. court is vncertaine, and insufficient in ẏ law to be answered vnto, and the matters therein conteined vntrue, & contriued more of purpose to put the said def. to trouble & expences in law, then for any good or iust cause: Neuertheless if ẏ same def. shalbe cōpelled by this Hō. Court to make any further answere to the same: then the aduantage of the insufficiēcy thereof to this Defendāt at al times hereafter saued, for further answere

the ſaid Defendant ſaith, that true it is, that the ſaid A. B. about the time mencioned in the ſaid Bill of Complaint, began to be a bargainer, and buyer of Plate and Jewels of the ſaid C.D. late huſbandman to this defendant, and obtained credit at the hands of the ſaid C.D. for the ſumme of &c. For paiment whereof the ſaid C.D. preſuming vpon the promiſes of the ſaid A. B. was contented onely to accept of a bare ſingle obligation, which was ſealed and deliuered vnto him about the time mencioned in the ſaid Bill. Which ſumme of &c. the ſaid C.D. (after the day paſt which was limitted for the paiment thereof) often demaunded of the ſaid A. B. who not withſtanding made no paiment at all thereof, but with faire promiſes delaied time, and kept the ſaid C.D. in hope from yeare, to yeare, that he ſhould be anſwered thereof to the vttermoſt peny. And at the laſt the ſaid A.B. hauing need of certaine other Plate or Jewels, to the value &c. intreated with the ſame C.D. to giue him credit for the ſame, and promiſed faithfully, that if the ſaid C.D. would truſt him therewith, that then within ſhort ſpace after he would truelie make paiment as well of the hundred pounds, as alſo of ỹ ſaid two hundred pounds, vpon which earneſt intreatie the ſaid C.D. (being a man of a verie good nature, and eaſily led, by ſuch as he any way conceaued or thought well of) was contented to ſatiſfy his requeſt. But yet for as much as the ſaid A. B. had before that time taken but ſmall regard concerning the keping of his daies vpon the ſingle obligation aforeſaid, the ſaid C.D. then thinking to deale more ſubſtantially with him then before, demaunded a recogniſance for the ſaid ſumme of an hundred pounds, ſo then to be lent, without which he was vtterly vnwilling to truſt him any further. Whereunto ỹ ſaid A.B. aſſented & became boũd accordingly, in a recogniſance of 200. marks, with conditiõ for the true paimẽt of

one

an hundred pounds (which is the recognisance in the said bill of complaint mencioned.) For discharge of which recognisance the said A.B. toke no greater regard then before he had done for paiment of the said single Obligation. And therefore the said C.D. at the last, three yeres at the least, being then past after the forfaiture of the said recognisance, perceiuing the carelesnesse of the said A.B. asked aduise of some of his friendes, what course he were best to take for the obtaining of the said seuerall sumes of money. By whom he was aduised to put the said Recognisance (rather then the Obligation aforesaid) in suit, aswell for spedie end of suit in the same, as also that thereby it was thought, the said A.B. would the rather seeke meanes to make satisfaction as well of the one debt as of the other. But he meaning nothing lesse, nor regarding the said suit, suffered the same to proceede till some parcell of his land was extended, and so the said C.D. was faine after three yeares forbearance of the said summe of one hundred poundes, as aforesaid, and after he had spent more then twentie poundes in suites, and rewardes in obteining the said extent, to accept onely twentie markes by the yeare, till the said 200. markes (being the principal) and penaltie were paied vnto him: so that, the forbearance of the said summe accompted together with the charges in suit, great losse of time in following the same, and rewards giuen to Sherifs and Bailifs, or euer any the said landes might be extended. The said C.D. sustained so great losse, as by the circumstances of that which before hath bin shewed, doth euidently approue, that he was vtterly discouraged to attempt any more suits against the said A.B. but rested still in hope, that at one time or other he should obtaine meanes in quiet sort without suit in law to get satisfaction also of the said summe of &c. which hath bin the reason onely why the said C.D. did not put the said obligation in suit so long time,

without that, that to the knowledge of this Defendant there was euer any defeasans made vpon the said Obligation, or that any such defeasans by casuall meanes is come vnto the handes of this defendant, as in the said Bill is vntruely alledged. And without that, ẏ the said A. B. by himselfe or his officers as by the premisses manifestly appeareth, did make paiment of the said debt, or any part thereof: which ẏ said defendant is the rather throughly perswaded of, as well because she was well acquainted with the dealings of her said husband, as also because at ẏ time of the debts of her said husband, he lying in extremity, called this defendant vnto him, & said, that he had carefully gathered together sundrie bondes and Obligations, which at sundrie times had bin made vnto him, for diuers summs of money, and yet in truth they were paied & discharged, and those bondes and obligations he had put in a bore by themselues, and named them bills, which obligations he willed this defendant to cancell or deliuer to such persons as were the Obligors, and in any wise not to demaund any debt vpon any of them. And further he also openly said, that all the residue of the bondes and Obligations remaining in other bores, which he then also named, were due & owing vnto him. In the which of the said bores the said Obligation of 200. li. was found, neither is it to be thought that any officer of the said A. B. would deale so lightly as to pay the money due vpon the said Obligation being but single and without penaltie, without either acquittãce, or ẏ bond it selfe, redelyuered or cancelled. Or that the said A. B. himselfe would haue allowed of any such paimẽt vpon any his officers accompts. And without that, ẏ ẏ said A. B. did at any time alow any maner of consideratiõ for ẏ forbearance of any summe of money due by him to ẏ said C. D. (as also is vntruely alledged. And without that, that the said C. D. did put the same Recognisance in suit, presently after the forfeiture thereof: for the same was

forborne

forborne three yeares after, as is before declared. And without that, that it is likely that the said C.D. did acknowledge himselfe satisfyed of all those severall summes of twentie markes, which should make vp the two hundred markes vpon the extent aforesaid, when as he had recouered the whole debts due to him by the said A.B. but onely without that, that the said A.B. to the knowledge of this Defendant, did signify by his letters his displeasure towards the said C.D. as also is vntruely set down. And without that, that any other thing materiall in the Law &c. as in the other.

SECTIO. 145.

¶ To cause one to shew his lease, whereby he holdeth &c.

A MOst humbly complaining &c. A.B. of &c. Gentleman, That whereas about foure yeares last past, one C.D. of L. vpon a certain iudgement in a plea of det amounting to the summe of &c, or thereabouts by him obteined in her Maiesties court of common pleas against one L.F. of &c. in the countie of &c. sued forth her maiesties writ of fieri facias, directed to the sherif of the said countie, for the leuying of the said det of the goods and chattels of the said E.F. By vertue of which writ the sherife did amongst other things take into his handes one lease for diuers yeares yet indureing made to the said E.F. by one L.S. in the Countie of S. esquier of three parcels of land, called and knowen by the name or names of &c. with all and singuler their appurtenances, lying and being in the parishes of &c. in the said countie of &c. together with all and singuler woods vnderwoods, and trees, set, lying, being, and growing in or vpon the premisses, or any part thereof: together also with the reuersion, and reuersions of the premisses aforesaid, and euerie parcell thereof. And also all summes

of common, aswell of estouers and pastures, as all other commons, pastures, profites, and hereditaments whatsoeuer, to the said premisses belōging or in any wise appertaining. And afterwards the said sherife (that is to say vpon the 3. day of May &c.) by his deede, bearing date vnder his hand and seale, did in consideration of &c. to him paid towards the satisfaction of the debt and iudgement aforesaid, bargaine, sell, assigne, & set ouer the said lease and terme of yeares yet to come, of all and singular the premisses vnto one G. H. of L. gent, which G. H. not long after did in consideration of &c. by your orator to him paid, bargain, sel, assigne, & set ouer vnto your said orator all and singuler the premisses, and euerie part thereof. Vpon which bargaine and assignment of the premisses so made, as aforesaid, your said orator was in verie good hope to haue peaceably and quietly entred into the premisses, and so to haue occupied & inioied the same accordingly. Neuerthelesse so it is right Honorable, that one R. T. of &c. in the said county of L. pretēding to haue a lease for diuers years yet to come of some part of the said lands, called &c. made vnto him by ẏ aforesaid E. F. long time before any assignemēts aforesaid, hath and yet doth kepe your said Orator from ẏ possession of the said lands, vpon which lease or demise a certaine yearly rēt is (as he saith) reserued to the said E. F. his executors or assignes, which as your Orator verily thinketh is &c. by the yeare, & which rent, whatsoeuer it be, your orator by reasō of the lawfull conueiance to him made as aforesaid, ought both in law and conscience to haue, and inioy during such terme as ẏ said R. T. shal hold & occupie the land aforesaid, by reason of ẏ said lease, which he so pretēdeth to haue. But because your orat doth not certainly know whether ẏ said R. T. haue any such lease, neither if he haue, what date it beareth, what terme ẏ said R. hath therein vnexpired, what rent therby is reserued, nor what conueiants are therein cōtained, as also your orator can not, nor knoweth not how

in due forme of law to enter or cõmence any action against the said R. T. either for the recouery of the said land or ret aforesaid, which the said R. T. right well knowing being a man of little or no conscience, but destitute of the feare of God, thinking all things well gotten which he may get and hould without the punishment of the Law, doth not onely vse the said land to his great profit and commoditie, without yelding or paying therefore any rent to your Orator, or any other person lawfully claiming the same, but also doth vtterly refuse to shew his said lease, whereby he claimeth to hold the lands aforesaid vnto your said Orator, to the great losse and hinderance of your Lordships said Orator, In tender consideration whereof, and for as much as your Orator hath no ordinarie way by the course of the common Lawes of this realme to enforce the said R. T. to shewe forth such writings as he hath for the holding and enioying of the lands aforesaid, but is and shalbe vtterly destitute of all manner of helpe or meanes to obtaine the same to his great hinderance and impouerishment, except your honorable Lordship of your accustomed clemencie towards all such as are oppressed, do extend your fauor in that behalfe, so that by the order of this honorable Court, the said R. T. be inforced vpon his othe to shew what right he hath to the premisses or any part thereof, and likewise to set downe in his answere the true copie of the said lease (verbatim) or other writings whatsoeuer they be, whereby he claimeth the premisses, or any part of the same. Pay it therefore please your good Lordship &c.

SECTIO 142.

¶ *The Answere.*

A THe said defendant not knowledging or confessing the matters suggested in the said bil of complaint to be true, for his answere touching the same saieth, That the said C. F. named in the said bill of complaint was possessed for di-

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uerſe yeres yet to come and indureng of the ſaid three parcels of land, called or knowen by the name of &c. mentioned in the ſaid bill of complaint by vertue of a leaſe thereof made by the ſaid T. S. alſo named in the ſaid bill of complaint, vnto the ſaid E. F. long before the ſuppoſed extent ſpecified in the ſaid bill of complaint. And the ſaid E. F. ſo being thereof poſſeſſed long before the ſaid ſuppoſed extent, if any ſuch were, had in ſuch manner, as in the ſaid bill of complaint is ſuppoſed, made a lawfull demiſe and leaſe of part of the ſaid three parcels of land, conteyning fowertéene acres or thereabouts, vnto the ſaid defendant for diuerſe yeres, yet to come, and remaining vnexpired, vpon which leaſe the ſaid E. F. reſerued a yerely rent to be payed during the continuance of the ſaid leaſe. By force of which leaſe the ſaid defendant entered into the ſaid fowertéene acres of land, part of the ſaid three parcels, called &c. and was and yet is lawfully poſſeſſed accordingly, And euer ſince, and yet doth inioy the ſaid fowertéene acres by vertue of the ſaid demiſe and leaſe made by the ſaid E. F. to the ſaid defendant, and is to haue and inioy the ſame during the continuance of the yeres, of which there are diuers yeres yet to come, and remaining vnexpired. And the ſaid defendant ſayeth, that the ſayd complainant is a man to this defendant vtterly vnknowen, And therefore the ſaid defendant marueileth much of the ſaid ſuit exhibited by ỹ ſaid complainant into this honorable court againſt the ſaid defendant touching the ſaid premiſſes. And further ſaieth that the ſaid E. F. after the ſaid demiſe and leas by him made vnto the ſaid defendant, of the ſaid fowertéene acres of land, and before the ſaid ſuppoſed extẽt if any ſuch be, made a graunt and aſſignement of the intereſt & terme of the ſaid E. F. aſwell of the ſaid fowertéene acres, which the ſaid defendant hath and occupieth by vertue of his ſaid leaſe for diuers yeres yet thereof to come, and continuing vndetermined, as alſo of the reſidue of the ſaid three parcels

of

of land mentioned in the said bill of complaint vnto R. F. the sonne of the said C. F. vnto which graunt and assignement the said defendant was priuy. And therefore the said defendant thinketh that he is for the payment of his rent chargeable, and ought by the Law to pay the same rent reserued vnto the said R. F and not to the said complainant, which said R. doth verily think he is lawfull Landlord during the continuance of his yeres yet to come and induring, and not the said complainant, who is altogether a mere stranger vnto this defendant. And which complaynant neuer at any time heretofore demaunded any rent for the said part of the lands that this defendant hath and occupieth by the lease for yeres yet continuing of the said defendant. And the said defendant also sayeth that he is sued for the rent reserued vpon his lease by the said G. H. named in the said bill of complaint in the kings Bench in an action of debt brought by him against the said defendant, And therefore the said defendant much marueileth of this suit of the said cõplainant brought in this honorable court against the said defendant touching the said premisses: By which suit of the said complainant, the said defendant is wrongfully sued and vexed without any iust cause of suit, without that, that there is any such extent made of the said three parcels of land called &c. or after the same extent, there was any such bargaine and sale made by the said thirfe named in the said bill of complaint, of the said terme and lease of yeres of the said premisses vnto the said G. H. Or that the said G. H. bargained or sold the said premisses vnto the said complainant, or that the said complainant ought to haue and inioy the said premisses to the knowledg of this defendant. And without that there is any other matter or thing &c. All which matters &c.

SECTIO 143.

¶ *A bill for a title of land intaile.*

I Moste humble wise sheweth & complaineth vnto your A
good Lordship, your daily orator R.R. husbandman, that where one W. late of S. in the county of W husbandman, grandfather of your said orator, was lawfully seised in his demesne as of fee, by due course of inheritance vnto him lawfully discended from his auncestors, and other lawfull conueyances in the law, of and in one messuage &c. C C. acres of land, meadow, wood and pasture, with their appurtenances in S. aforesaid. And the said W. R. so being of the premisses seised, aboue x. yeares now past, It was condiscended, graunted, and agreed betweene the said W. R. and one I. C. late of Y. in the said countie deceased, that A. B. then sonne and heire apparant of the said W. R. before a certaine day should mary and take to his wife one A. C. daughter of the said I. C. & y the said W R. in consideration thereof, and for that the said A. should be greatly aduanced and preferred in goods and substance by the mariage of the sayd A. would immediatly after the said mariage had and solempnised, conuey and make vnto the said A. and A. a good, sufficient, and lawfull estate in the Law, of and in the said messuage, lands, tenements and other the premisses. To haue and to hold vnto the said A. and A. and to their heires males of their bodies lawfully begotten. And afterward the said A. according to the said agreement, did marrie and take to his wife the said A. C. immediatly after which mariage had and solempnised, the said W. R. according to his said promise and agreement, did lawfully enfeoffe of, and in the said messuage, lands, tenements, and other the premisses, the said A. R. and A. then his wife. To haue and to hold vnto the same A. and A. and to their heires males of their bodies lawfully begotten, by force whereof the said A. and A. were seised of, & in the premisses, in their demeanes, as of fee taile speciall, and they so being thereof seised,

seised, the said A. and A. had issue male betwéne them lawfully begotten, one I. R. and your said orator, and one W. R. and the said W. R. the elder died, by and after whose death the reuersion in fée simple of the premisses discended vnto the said A. as sonne and heire vnto him. And afterward the said A. and Agnes died, after whose death the said messuage, lands, tenements, and other the premisses discended and came, and of right ought to discende and come, vnto the said I. R. as sonne and heire male of the bodie of the said A. and A. lawfully begotten, by force whereof the said I. R. entred into the said messuage, lands, tenements, and other the premisses, and was thereof seised in his demesne as of fée taile. And he so being thereof seised, the said I. R. about iiij. yeres now past, of the said messuage and other the premisses died seised, without issue male of his bodie lawfully begotten, by force whereof the said messuage and other the premisses discēded and came, and of right ought to discende and come vnto your said poore orator, as brother and heire male to the said I. R. by the vertue of the gift aforesaid. So it is my singuler good Lord, that as well the déede of intaile made of, and for the premisses by the said W. R. the grandfather vnto the said A. R. and A. and to the heires males of their bodies lawfully begotten, as is aforesaid, as diuers other charters, euidences, and déeds, writings and muniments concerning the premisses, prouing the said interest and title of your said Orator, in, and to the premisses: béen deceiptfully comen to the hands and possession of I. W. and C. his wife late, wife of the sayd I. R. G. W. gentleman, and T. S. the elder, and remaine there as they haue conueyed and put them: and by colour of hauing the said euidences, déedes, writinges and muniments in their hands and possession, the same I. W. and C. haue now of late wrongfully entred into the said messuage and other the premisses. And the possession thereof do so yet wrongfully deteine and kéepe from your said orator,

and

and also the rents, issues, and profits thereof haue wrongfully receiued, perceiued and taken to their owne vse by the space of fower yeres past, and so yet do, contrary to al right and good conscience. And albeit that your said Orator hath often and sundry times required and instantly desired the said I. W. and E. G. W. and T. S. as wel to deliuer vnto your said Orator the said euidences, deedes, writings, and muniments concerning the premisses, as also to auoid the possession of the premisses, and peaceably and quietly to permit and suffer your said orator and his assignes, to haue and enioy the same, and to receiue and take the rents and profits thereof to his owne vse, according to his said interest and title therein, which to do, they at all times haue refused and denied, and yet do, contrarie to all right & good conscience. And forasmuch as your said Orator knoweth not the certein number, contents, ne other certainties of the said euidences, deeds, writings, & muniments, nor wherein they be conteined. And also for that the said I. W. E. G. W. and T. S. be of so great substance and riches, and also greatly friended, and borne in the said Countie of W. And your said orator being but a poore man, & hauing but few friends in the said Countie, the same your said Orator is, & shalbe therefore without remedy concerning the premisses, by due course and order of the common law, and otherwise, vnlesse your good Lordships ayde and fauour be vnto him shewed in this behalfe. In consideration whereof it may please your good Lordship (the premisses tenderly considered) to graunt vnto your said Orator the Quenes most gratious seueral writs of Subpena to be directed vnto the sayd I. Werewicke E. G. & T. S. commaunding them and euerie of them by the same, personally to appeare before the Quene in her most honorable court of Chauncery at a certaine day, and vpon a certaine paine by your good Lordship to be limitted therin, then and there to make answere to the premisses, & further to be ordered therein,

therein, as shall accord with right and good conscience. And your said Orator shal daily pray &c.

SECTIO. 141.

¶ *The answere of I. W. to the bill of complaint of R. K. husbandman.*

A THe said defendant saith, that the said bill of complaint is vncertein & insufficient in the law to be answered vnto, & the matter therin contained vntrue, & principally imagined, & pursued by the vnlawful procurement, bearing, and supportation of one W. C. Esq. to thintent to put the said def. to trouble, costs & expences, intending therby to vnquiet and impouerish the said def. as they should be fame to leaue the right, title & interest of, and in the premisses, so that the said W. might purchase & buy the same of the said complainant: & of late the said W. C. hath made meanes vnto the said I. W. now def. to buy his title & interest of, & in the premisses, & threatned him to haue the same, & if he would not let him haue it with his good wil, that then he would haue it against his wil, whosoeuer toke his part: and if the contents of the said bil were true (as they are not,) yet were the matter determinable at the comon law, and not in this honorable court, wherevnto ỹ said def. praieth to be dismissed: & yet neuertheles, the aduãtage of the premisses vnto this defendãt at al times saued: For further answere vnto the said bil for declaration of the truth of ỹ contents of the said bil, the said def. saith, & euery one of them saith, that long time before the said A. R. mencioned in the said bill of complaint, any thing had in the said mesuage & other ỹ premisses, or that the said W. R. was therof enfeffed, T. R. of P. T. S. of S. & W. of E. were therof seised in their demesnes as of fe, & so being therof seised, by their writing indented, readie to be shewed (the said mesuage & other the premisses cõtained in the said bil of complaint, amongst other things) gaue, demised, deliuered, & by their said writing indented, confirmed, vnto the said W. R. mencioned in the said bill

of

of complaint, and vnto A. his wife. To haue and to holde the said messuages, and other the premisses vnto the sayd W. and A. for terme of their liues, & to the wife of the longest liuer of them. And the said T. and T. willed and declared in the said writing indented, that the said messuage and all other the premisses should remaine vnto the said A. mentioned in the said bil of complaint, and vnto A. his wife and vnto the heires & assignes of the said A. for euer, without that the said W. R. did enfeoffe of, and in the said messuage, lands, tenements, and other the premisses, the said A. and A. to haue to them and to their heires males of their two bodies lawfully begotten, or that the said A. & Agnes were seised of, and in the premisses in their demesnes as of fée taile, as in the said bill of complaint is surmised, and without that, that after the death of the said W. that the remainder of the premisses in fée simple discended vnto the said A. as sonne and heire vnto him, or that after the death of the said A. and Agnes the said messuage and other the premisses discended, and of right ought to discend or come, vnto the said J. R. in the taile especiall, as sonne and heire male of the bodie of the said A and Agnes lawfully begotten, either any other discent of inheritãce therin of a mere fée simple, or that the said J. by his entrie into the said messuage and other the premisses after the death of his father and mother, was then seised of, and in his demesne as of fée taile especiall, or of any such estate dyed seised, or that after the death of the saide J. that the saide messuage and other the premisses, or any part or parcell thereof discended and came, or of right ought to discend & come to the said complainãt as brother and heire male to the said J. R. by vertue of any gift or otherwise, as in the bil of complaint is vntruly surmised, but the said defendants do auerre, and are, and shalbe at all times ready to proue, as this honorable Court shall award, that the said messuages and al other the premisses by, and immediatly after the death of the said

J. R.

I. R. diſcended, and of right ought to diſcend and come to one A. daughter and heire of the ſaid I. lawfully begotten on the bodie of the ſaid E. one of theſe defendants, the which A. is yet in plaine life, and in the ward and cuſtodie of her ſaid mother: And without that, that any deede of taile was made, of, & by the ſaid W. R. the graundfather, or any other euidence, deedes, writings, or muniments, concerning the premiſſes, prouing the ſaid intereſt and title of the ſaid complaimant of the premiſſes, and euery part and parcell therof, to be comen to the handes and poſſeſſion of the ſaid I. W. and E. his wife, or either of them, or to the cuſtodie or poſſeſſion of any other by their deliuerie, conueyance, or appointment, but trueth it is, that the ſaid defendants haue in their cuſtodie, one writing indented readie to be ſhewed, whereby the remainder of the premiſſes is conueyed vnto the ſaid A. and Agnes his wife, and to the heires & aſſignes of the ſaid A. for euer, as is aforeſaid, and diuers other euidences and writings, prouing and concerning the conueyance of the fee ſimple of the ſaid meſuage, and other the premiſſes vnto the ſaid A. and other his auncetors, the which charters, euidences, and writings, the ſaid def. do ſtill with them detaine and kepe, as good and lawfull is for them to do, as well for the proofe and preſeruation of their right, title, and intereſt, vnto the third part of the premiſſes for the dowrie of the ſaid E. as for the preſeruation of the right, title, and intereſt of the ſaid A. daughter and heire to the ſaid I. of, and in the ſaid meſuage, and other the premiſſes, without that the ſaid def haue at any time wrongfully entred into the ſaid meſuage, and other the premiſſes, or into any part therof, or the profites therof do wrongfully detaine, and kepe from the ſaid complaynants, or the rents, iſſues, and profites thereof, haue wrongfully reſtreyned, percepued, and taken to their owne vſe, as in the ſame bill is alſo vntruelie ſurmiſed.

SECTIO. 142.

¶ *A Supplication in the Chauncerie vpon deceipt by a Partner.*

TO moſt humble wiſe complaining ſheweth &c. that wher- A
as vpon the imagination of honeſty and good opinion that R. C. father vnto your ſaid Orator deceaſed, had in one T. T. &c. the ſaid R. about Eaſter laſt paſt, did ioine in bargain with the ſaid T. T. for ỹ delinerie of ſo much wares, wher- of the moitie was the ſaid R. as amounted to the ſumme of &c. vnto one I. S. of the Queenes Maieſties houſhold Eſ- quire, for the which ſumme of &c. the ſaid S. ſtode bound by ſtatute of the Staple, vnto the ſaid R. C. and T. T. pay- able at the feaſt of &c. then next &c. which was in the yere of our ſoueraigne &c. And to the intent that the ſame R. being a man of ſuch honeſtie & ſimplicitie, as did neither ſuſpect, nor yet doubt the good conſcience of the ſaid T. who alwaies to'ward him', had counterfaited ſuch puritie of conſcience, & ſo honeſt behauior, might the better by the helpe of the ſame T. come by his debt, at the time to be due, if he ſo long liued, or els if he died, that the ſaid T. might be as a ſtay and ſure meanes to his executors, for the getting in of the ſame, he the ſayne R. truſted the ſaid T. with the cuſtodie of the ſaid Statute: Some after the making of the which bargain, & ſomewhat before the ſaid feaſt of &c. the ſaid R. deceaſed, & made your Orator his executor, therby charging him aſwel with the gathering in of all ſuch ſummes of money as were due to the ſaid Teſtator, as alſo with the paiment of all ſuch debtes, as the ſaid R. did owe. And ſo it is, moſt gracious Lord, that although your ſaid Orator hath diuers & ſundry times ſince the deceaſe of his ſaid father, required the ſaid T. to haue the moitie of the ſaid &c. due to him by equitie and good conſcience, as executor vnto his ſaid teſtator &c. The ſaid T. (now declaring himſelfe what he is) hauing regard neither to conſcience, common honeſtie, nor yet to the truſt he was put in, minding if he can (with what iniurie he ca- reth not) vtterly to barre your ſaid Orator from the hauing

thereof

therof, and he himselfe against all reason and conscience to haue the said &c. for nothing: hath not onely with manie sleight & subtill delayes, lingred and delated your said Orator long time from hauing the same, but also now lately hath plainlie answered and affirmed, that your said Orator shall haue no part nor penie therof, which if it should thus passe, should be both great incouraging to such corrupt conscioned persons, still to persever in such their lewd demeanour, and in the meane time, turne to the great impoverishing of, your said poore Orator: Wherfore may it please your honorable Lordship, of your accustomed equitie, to injoyne the said T. that he repay vnto your said Orator the said &c. moitie of the said &c. if he haue receiued it of the said S. or if he haue not, that he be no let to your said Orator, to do therein what he can, for the obteyning and getting in the same. And thus shall your said Orator haue cause continually to pray for the prosperous estate of your good Lordship long to indure.

SECTIO 143.

¶ A Bill of Complaint for recouering of Euidences made by compulsion by a man in prison, without consideration.

A IN most humble wise complayning, sheweth vnto your good Lordship, your daily Oratrix I.B. That whereas in the yeare &c. it chaunced the husband of your said Oratrix, together with one &c. iointly and seuerally to be bounden in a Recognisance of the summe of &c. knowledged before your good Lordship in the Queenes Maiesties Court of Chauncerie, for the payment of &c. payable at a certain day now past, vnto one &c. for which summe not being paied at the day due, the said &c. hath sued execution against your said poore Oratrices husbande, whereupon hee was by the Shirife of &c. arrest about &c. past, and by all the said space hath remayned in the Queenes Maiestyes prison

of Marshalsie, to his great paine of bodie, importable charges, and in maner vndoing, both of him, your powre Oratrix, and their small children, which piteous estate of hys (with himselfe lamenting) after he had well considered, he then consulted with himselfe, for his best remedy in that behalfe, & there withall calling to his mind, that he had herein &c. a kinsman & cosin called &c. being of &c. vnto whom your said oratrices husband, for the vicinitie of bloud, and abilitie of substance, was bolder to make his mone for helpe of this his aduersitie, then vnto any other. But (farre contrary to his expectation, & against all humanitie) whence your said Oratrices powre husband loked for most succor, thence he receiued, not onely least helpe, but also most hurt. For the said &c. well perceiuing thaduerse estate that your Oratrices powre husband was, & is in, which was the greedinesse of the Marchant for his money, thernest thought & care of your powre Oratrix, and her powre children, and the great desire that her said powre husband had (as any man would) of libertie, & discharge of trouble, would by no meanes promise his help vnto her said powre husband herein, vnles he would be content to bargain and sell all his lands, amounting to the yerely rent of &c. vnto him the said &c. for an Annuitie of xx. li. sterling to him, during his life, & for the summe &c. wherof &c. to be paied in hand, wherunto your said powre Oratrices husband, through the constraint of his said cause, was compelled to agree, & to seale such writinges as the said &c. not long after he brought to him Indentures concerning the bargain, nothing doubting of &c. being his cosin, but that they would haue sealed to none other, but onely such as conscience would stand with, at which time the same &c. neither paied, nor profered any penie of the said &c. according to his couenant, with delay of payment, both against his promysses and couenant: After her said powre husband had studied vpon, and therwithall read ouer the couenants comprised in the said Indentures of this bargaine, which in deed (most

hono-

honorable Lord) were ſo parciallie deuiſed for the behoſe of the ſaid &c. and againe, ſo fore againſt your ſaid pore Oratrices huſband, as (if the bargaine had taken effect) had bin to the vtter vndoing of him and her, with all their heires for euer, your ſaid pore Oratrices huſband, taking hold on the point that the ſaid &c. paied not the foreſaid &c. did at their next meeting, renounce & ſay, that he would not ſtand to the ſaid couenants and bargaine, wherunto the ſaid &c. partly acknowledging in that he had not paied nor profered this &c. ſaid before ſufficient witneſſes here readie to be ſworne, he was contented, howbeit he ſaid, that your ſaid Oratrices pore huſband ſhould pay for the making of the writinges: For the payment wherof her ſaid huſband, as then hauing no great ſtore of money, was faine to giue him a gold Ring in pledge, to pay the ſcribe for writing of the ſame: All this notwithſtanding (moſt honorable Lord) and that your ſaid pore Oratrices huſband, hath often & ſundrie times ſince by manie waies and meanes required the ſame writings, concerning the ſaid bargain of the ſaid &c. he againſt all natural loue & humanity, nothing more coueting, then the extreme deſtruction of her, and her ſaid pore huſband, & well perceyuing how farre he is now vnable to helpe himſelfe, hath vterlie denied to render the ſame, and yet doth, contrarie to all conſcience, equity, law or right: In conſideration wherof, may it like your honorable Lordſhip, of your accuſtomed pitie, to call the ſaid &c. before you, together with the huſband of your ſaid pore Oratrix, and there to will him to deliuer the ſaid writings againe to her huſband, if it ſhall ſo ſeeme good vnto your honor, or els to ſhew ſufficient matter why he ſhould keepe the ſame. And your ſaid Oratrix, with her pore huſband, and their pore children ſhall pray &c.

SECTIO 144.

¶ *A Bill of a title of Copyhold lands, praying an Iniunction.*

AHAmbly complaining &c. your dailie orator W. S. otherwiſe named W. T. of L. coſin & heire of I. S. otherwiſe

called I.T. while he liued &c. That wheras your said Orator at your Lordships last being at &c. did exhibite vnto you a certaine bill of complaint, mencioned therin that the foresaid I.S. otherwise called I.T. in his life time was seised, of, and in certain Customarie lands & tenements, that is to say, of and in &c. holden by Copie of court Roll of the manor of &c. at the will of the Lord of the said manor, according to the custome of the same manor, of which one T.L. then was, and yet is Lord And that the same I.S. so being seised of the premisses, afterwards of like estate died therof by protestation seised, after whose death the said &c. with the appurtenances, and the right, title, vse, possession, and inheritance thereof discended and came, & of verie right ought to discend and come vnto your said Orator as cosin and nert heire of the said I.S. that is to say, as yongest sonne of I. yongest sonne and heire of the same I.S. according to the auncient custome of the said manor. And that your said Orator had often and sundrie times desired and praied the said &c. that with lawfull warning vnto the tenants of the said Lordship, a Court might be holden at the said manor, by whose inquirie, the title of your said Orator might be presented and found in the premisses, according as both iustice, right, & good conscience do require: Howbeit most honorable Lord, that notwithstanding, for asmuch as the same &c. hath kept the premisses in his owne handes these many yeares past, and the profites and illues thereof coming, hath by the same space to his owne proper vse receiued and taken, and yet doth, your said poore Orator could neuer get the same &c to hold a Court there, minding therby vtter disheriting vnto your said poore Orator, of and in the premisses: Untill such times as your said most honorable Lordship, moued with your accustomed loue to Iustice and pitie towards pouertie, vouchsafed to graunt your benigne letters directed to the said &c. willing him thereby with lawfull warning giuen vnto the tenants of the said

Lord-

Lordship, to summon and kepe a Court at the said manor, for the triall of the right of your said Orator in the premisses, vpon the receipt of which letters, the said &c. summoned and kept a Court at his said Manor of &c. wherat vpon the open and plaine declaration of your said Orators title, together with the examination of diuers witnesses, brought in by your said Orator, for the due proofe of the said title in the premisses: And further, vpon the shewing of such substantial and auncient euidences maintayning the same, the Homage therewith charged and sworne) did present & find at the said &c. before I. S. Steward of the same Court (that the foresaid I. S. was possessor, and held the premisses by Copie of court Roll, according to the Custome of the sayd manor, and that also your said Orator was cosin and heire to the said I. S. according to the Custome of the manor: That is to say, Sonne of I. ponger sonne of &c. as by the Copie of the same court Rolles readie to be shewed more plainly may appeare vnto your good Lordship. After which presentment at the same Court, it was agreed betwixt the said Steward, in the name of the said &c. and your said Orator, that if the said &c. would not declare and show vnto your said Orator, or to his learned Counsell at London, within one Terme then next insuing, a better title & interest to the foresaid premisses, then your said orator had then & there alreadie proued, that then your said Orator should haue and inioy the premisses to him, & to his heires, according to right, equitie, & good conscience, and according to the custome of the said manor. But so it is (most ho. Lord) that although the said &c. as he cannot, so hath he not by the said space proued any maner of title, or color of title to the premisses, but onely with such & lyke fraudulent delaies, he intendeth to weary your said orator from the obtaining of the premisses, & if he can, disherite him from the same: Wherefore, may it &c. of your accustomable goodnes alwaies to pouertie extended, to grant vnto your said orator, the M. most

gracious writ of Subpena, to be directed to the said &c. commaunding him by the same, not onely to appeare personally before your good Lordship, in the high Court of Chauncery, at a certain day, & vnder a certain paine by your good Lordship therin to be limitted, but also to permit & suffer your said Orator peaceably to haue, hold, occupie, possesse, and inioy the premisses aforesaid, and the profits and issues of the same, vntill such time as the same &c. hath duelie approued better Title to the premisses, then he hath heretofore done. And your said pore Orator shall &c.

SECTIO 145.

¶ *A Bill of complaint for Debt without especialtie.*

TO most humble wise sheweth and complaineth vnto your A
good Lordship, your daily Orator and pore bedeman I. G. of H. in the countie of D. That where the said I. G. by way of prest, at the feast of Pentecost, in the xxiiij. yeare of the raigne of our Soueraigne Ladie the Quéenes Maiestie that now is, did deliuer vnto one W. L. late of H. in the said countie of D. the summe of xviij. pound, of lawfull money of England, to be paied vnto him at the feast of Saint A. then next insuing, before which day the said W. L. by his last Will and testament, constituted & made one E. then his wife, his executrix, and died, and left vnto the said E. then his executrix, of his owne proper goodes (all his debts paid) the summe of one 100. pounds, of whom your said Orator sundrie and many times hath required paiment of the said xviij. pound, which to content & pay, the said E. did neuer vtterlie denie, but did require respite for the payment of the same, and before the said E. did content & pay any penie of the said xviij. li. the said E. in her death bed, by her last will & testament, did constitute and make one I. S. her sonne her executor, and died, & left to him sufficient of the goods of the said W. for the contentation & payment of the same xviij. li.

and

and after dyed, sithens whose death the said complaynant, dailie, sundrie, & many times required the said I.S. to content and pay vnto him the said summe of xviij. li. which to do, he hath at all times refused, and yet doth, contrarie to right and good conscience, to the vtter vndoing of your powre Orator for euer. And for because your Orator hath no specialtie, wherby he should charge the Executor or the Executrix of the said W.L. he is therefore without remedie by the order of the common Law of this Realme, and is lyke vtterlie to lose the said xviij. li. vnlesse your gracious favor be to him shewed in this behalfe: In tender consideration wherof, it may therfore please your good Lordship, (the premisses considered) to graunt the Q. writ of Subpena, to be directed to the said I.S. commaunding him by the same, personally to appeare before your good Lordship, in the Q. most gracious Court of Chauncerie &c.

SECTIO. 146.

¶ The Answere of the same Bill for xviij. li. lent without specialtie.

A THe said I.S. by protestation not knowing that the said complainant did deliuer the said W.L. in the said bill named, the summe of xviij. li. or any part thereof by way of prest, as in the said bil is surmised: He further saith, that the said bil of complaint is vncertain & insufficient in the Law to be answered vnto, & much of the matter therin contayned, is fained and imagined, for veration and trouble of the said I.S. notwithstanding, the aduantage therof to him at all times saued: The said I.S. for further answere vnto the said bill, saith, that long time before the said G.L was constituted and made executrix vnto the said W.L. the said C. was married vnto one R.S. father of this defendant, by the space of xx. yeares and more, which said R.S. by his last will and testament, constituted, ordeyned, and made the said C. and the said I.S. his executors, and died, and left to the order and disposition of his said executors, goodes and

cattels

cattells of his owne proper, to the value of two hundred pondes sterling and aboue. All which goods and cattels for the most part of the same, being and remaining in the handes and custodie of the said E. she the same E. married and took to husband the said W.L. which said W. after the marriage had betweene him and the said E. did mispend, waste, and consume of the said goods and cattels late of the same R.S. to the value and summe of 140. li. sterling and aboue. And after the said W.L. by his last will and Testament ordeined and made the said E. executrix thereof, and died a verie poore man, hauing no maner goods nor cattels at the time of his death of his owne proper, to the value of twenty shillings sterling. And afterward the said E. by her last will, ordeined this defendant executor thereof, and died, sithen whose death there hath not come to the handes of this defendant of the goods late of the said W.L. to the value of twenty shillings sterling, without that, that the said W.L. at his death left vnto the said E. of his owne proper goods, to the summe of an hundred pondes, ouer his debts paid, or yet the summe of twentie shillings sterling, or that the said E. after the death of the said W.L. did euer consent or agree to pay the said eightéene pound vnto the said complainant, or did require him to respite the payment thereof, or that the said E. at the time of her death, left vnto the said defendant sufficient of the goods of the said W.L. for the cõtentation and payment of the said eightéene pondes, as in the said bill of complaint vntruely is surmised. And without that, that any other thing comprised in the said fained bill of the aforesaid I.S. which is materiall to be answered vnto, and in this answere not confessed, auoided, or trauersed, is true. All which matters the said I.S. is readie to auerre as this Honorable court shal award, and praieth to be dismissed with his reasonable costes and charges in this behalfe sustained &c.

SECTIO. 147.

¶ *A bill of Complaint vpon certaine griefes, requiring a writ of Certiorari.*

A [N moſt lamentable wiſe ſheweth vnto your good Lordſhip, your dailie poore Orator I. W. of London, That where one A. H. of London aforeſaid Marchant Taylor, borowed of your ſaid Orator twelue pounds ſterling, to be paied to the ſaid &c. at a certain day betweene them agreed, which day was expired, and the ſaid ſumme of money not paied, wherfore the ſaid A. for that he had not ready money, deſired your ſuppliant, to take a certain white broad cloth in paione, containing fortie yardes, cut in peeces, for the ſaid twelue pounds, which cloth was ſold and deliuered to your ſaid Orator by a Bill of ſale, wherein the ſaid A. H. ſtandeth bound, with Condicion in the ſame bill declared, That if the ſaid Cloth were not redeemed by a day certaine in the ſaid Bill limitted, that then the ſame Cloth to be to the onlie vſe of your ſaid Orator, for contentation & whole payment of the ſaid xij. pounds. Since the which time the ſaid A. counſelled your ſaid Orator to put forth the ſayd Cloth to one L. H. of London Shereman, to be dyed of ſeuerall colors for his moſt profite, by the meanes whereof, the ſayd W. was contented to take the ſaid broad Cloth for the payment of the ſaid money, and afterward the ſaid cloth was delyuered to the ſayd L. H. and within fiue dayes after the deliuerie of the ſayd Cloth to the ſayde L. one R. H. Spanyard affirmed a plaint of debt againſt the ſaid A. and according to the cuſtome of the Citie of London, hath cauſed Attachement to be made of the ſayd broad cloth, as debt due by the ſaid A. vnto the ſaid R. whereas the ſaid cloth is your ſaid Orators: Notwithſtanding by reaſon of the ſayd Attachement, your ſaid Orator retained Counſaile in the Guildhall of London, where the matter was at an iſſue, whereupon the Jurie was impanelled, ſince the which time for the ſpace of three

Court

court dayes, your said Orator did giue attendance there to haue the said matter heard, and the said Plaintife and counsaile would not suffer the said Jurie to appeare, so long as your said suppliant did apply and pursue his cause in effect herein. And for that the said R. and his counsaile would not proceed in his said action, your said Orator supposed, that it should no more be called vpon, by occasion whereof your orator being about his businesse in the countrey, in the meane time, the said L.M. with his counsell (hauing knowledge that your said Orator was out of the citie, and in the Countrey) instantly labored the Jurie to appeare in the absence of your said orator, and by their subtiltie and craft, the said Jurie did appeare, & passed against your said orator, contrarie to all right, Law, and good conscience, which shall be to the great impouerishment and vndoing of your said Orator for euer, vnlesse your good Lordships lawfull fauor and succour be to him shewed in this behalfe. In consideration whereof, might it therefore please your good Lordship to graunt the Quenes writ of Certiorari to be directed to the Maior and Shirifes of the Citie of London, commaunding them and euery of them by vertue of the same, to certifie before your good Lordship in the Quens most honorable Court of Chauncerie, at a certaine day by your Lordship to be limitted, the said attachement, & all the matter concerning the same, and to examine the said matter, and all the whole circumstance therof, and to stand to such order and direction therein, as shall stand with right, equitie, & good conscience. And your said Orator shal pray to God for the preseruation of your good Lordship long to continue.

SECTIO. 148.

¶ *A Bill where a Iurie hath passed in a matter wrongfully praying a Certiorari.*

TO most humble wise sheweth and complaineth vnto your most honorable good Lordship, your poore suppliant and A

conti-

continual Orator P. of W. of the Citie of L. Broker, that whereas one A. P. of the said Citie Marchant stranger, within the said Citie was possessed of, and in certaine linnen clothes, to the value of xx. li. sterling, and to your poore suppliantes knowledge then, and as yet as of his owne meere proper goods and chattels, and so therof being possessed, the same within the said Citie deliuered to your poore Orator being a broker, safely to keepe and to sel and marchandise by the discretion of your poore suppliant, to the vse of the said A. by force whereof your Orator made sale therof to certaine persons within the same Citie, and the money, goods, and marchandises therfore receiued & taken, deliuered vnto the said A. And so it is right honorable Lorde that after and since the sale thereof made, one J. S. Marchant stranger, pretending a propertie in the foresaid linnen cloths, hath cõmenced an action vpon his Case against your poore suppliant in the Guildhal, set and being within the foresaid Citie before the shirifes thereof, and thereupupon hath declared that the said J. should haue lost those goods, and that they came to the hãds and possession of your poore suppliant within the said citie by way of trouer. And furthermore that your poore Orator was sundry times required to make deliuerance thereof to the said J. and that refused, and the same afterward sold, and the mony thereof receiued, conuerted to your orators vse, to which matter one J. D. your poore suppliants atturney, rashly without aduisement or counsel therein taken, said that your poore orator did not sel the said clothes, nor any part thereof, and vpon the same matter, whether any sale thereof was made by your suppliant or not an issue was taken, and the Iurie tried, sworne, and charged, found a sale made by your poore orator of the said clothes (as the trueth was) nothing regarding to whom the propertie of the said goods was at the time of the sale therof made, because of the plea so vnaduisedly pleaded, it was confessed in point of Iudgement, the

pro-

propertie thereof to be in the said I.T. And so it is, right honorable Lord, that the said atturney might haue taken an issue that your said Orator sold no clothes of the said I. because of truth the clothes were the proper clothes of the said A. and not the Clothes of the said I. and so the Jurie should haue tried in whom the propertie was, and because the propertie was put in issue, the Jury had no warranty to inquire therof, & in case they had bin the clothes of the said I. as they were not in deed, your poore orator ought not by the order of the law to haue bin charged, because they were deliuered to your orator by the hands of the foresaid A. to sell, and your orator did accordingly. And the money, goods, and Marchandises thereof receiued, deliuered to the said A. and so if any trespas or wrong was done to the said I. it was done by the said A. and not by your said orator against whom the said I. may take his action. For your poore orator at the time of the said action commenced, neither had the said goods in his possession, ne any other things in lieu or consideration of the same goods. And also there is a Custome within the said citie, that if any Upholster or Broker sell any goods within the same citie to any person or persõs of the same citie vpon the deliuery of any person, for, or at the request of him hauing witnesse of the deliuerie thereof to him made, or bring out the partie who deliuered them vnto him, not being himselfe particeps criminis, should be discharged and not dampnified, for that his offence doing in making sale therof. And also by the order of the common Lawes of this Realme, a man comming imediatly to the possession of the goods, not being partie to the first wrong, shal not be charged in an action of tresPas, which matters or any of them, if they had bin pleaded, had bin a sufficient matter of barre, & because they were not pleded, your poore suppliant could not be receiued to giue them in euidence to the Jury, & so your poore orator is like to pay vnto the said I. the value of the said clothes, the said I. hauing no proper

right

right nor title to the same, vnlesse your most most Ho. Lo. fauour be shewed herein. In consideration wherof, it may please your most ho. Lordship, the premisses tenderly consi. dered, to grant ỳ Kings most gracious writ of Certiorare, to be directed the Sherif of the said Citie, commanding thẽ & euery of them to certifie before your good Lo. ỳ whole record of the premisses depending before them, or either of them in ỳ K. most gracious court of Chancery, at a certain day by your good Lo. to be limited, & therein further to proceed, & further to grant the Kings most gracious & speedie writs of Subp. to be directed to the said J. commaunding him personally to appeare before your good Lo. in ỳ Kings said court of Chauncerie at a certaine day, and vnder a certaine paine by your good Lo. to be limitted therein, to stand to the premisses, & further to take such direction, order, & decrée therein, as may stand with equitie, iustice, & good conscience, and your poore orator shall daily pray to almighty God for the preseruation of your most Ho. Lordships &c.

HEtherto of Bills, Answers, Replications, Reioinders, &c. and such other things as concerue the maner of proceeding in Chancerie suites. Now of certain writs & commissions issuing thence and there also returnable.

The end of Bills and Answeres.

SECTIO 149.

The maner of proceeding vpon a speciall Certiorari.

THe party grieued exhibiteth his bill, & by the same praieth not only a special Certiorari, but also a Subp' against the def. to answere to his bill. And if the L. Chauncelor, L. Keeper, or maister of ỳ Rolles shal see good & probable matter in the bill, they vsually graunt the same, taking bond of the pl' for the proofe of the surmises of his bill, within fourténe daies after the retorne of his speciall Certiorari, which

which writ of cerciorari followeth in hęc verba.

Elizabeth Dei gratia Angliæ, Franciæ, & Hiberniæ, Re- B
gina, fidei defenſoris &c. Maiori & Vicecomitibus London ſalutem, volentes certis de cauſis certiorari ſuper cauſa captionis & detentionis R. S. in priſona ſub cuſtodia veſtra, vos præfati vicecomites detentur vt dicitur vobis mandamus, quod cauſam prædictam cum omnibus eam tãgentibus quocunque nomine idem R. in cauſa illa cenſeatur nobis in Cancellariam noſtram in quindena paſche prox. futur, vbicunque tunc fuerit, ſub ſigillis veſtris diſtincte & aperte mittatis, & hoc breue teſte &c.

And if the pl. doe not make proofe of the ſurmiſe of his bil C
as aforeſaide, then vpon certificat made vnder the handes of the examiners of this Courte, and notice from the plaintifs Attorney ỹ he hath not examined any witneſſes either in this Courte, or by Commiſſion, then a Procedendo is graunted of courſe. But if there be wittneſſes examined, then to haue their examinations referred to a Maſter of the Chauncerie.

And if he find and ſo certify, that the plaintife hath proued D
the ſubſtance of his bill, then the cauſe to be reteined and ordered in this court, if not, then a Procedendo to proceed for the remaunding of the ſaid cauſe.

SECTIO 150.

¶ *A Corpus cum cauſa to remoue a Priſoner*

REgina &c. Maiori & Vicecomitibus Lond' ſalutem. Man- A
damus vobis, quod R. S. quocunq; nomine cenſeat captum & in priſona ſub cuſtodia veſtra vos præfat' Vicecomit' detent', vt dicitur, habeatis coram nobis in Cancellar' noſtra tali die proxim futur', vbicunq; tunc fuerit, vnà cum cauſa captionis & detentionis ipſius R. in priſona prædict'. Et hoc nullatenus omittat. Et habeatis ibi hoc breue. Teſte &c.

This writ is graunted by the L. Chauncelor, L. Keeper, B
or Maſter of the Rolles, for the moſt part vpon a Bill exhibited, and good baile put into the Court for the parties

appa-

apparance and forth comming, de die in diem, or further time, as the Court ſhall thinke fit, whereby many of her Maieſties ſubiects are verie much relieued in hard and extreme cauſes, lying often times in priſon vpon great actions ſurmiſed againſt them, without iuſt cauſe, and therby not able to put in ſuch baile, as the common Law doth require in ſuch caſes.

SECTIO 151.

¶ *Of a writ of Diem clauſit extremum.*

A THis writ is to be ſued forth by the heire of the kings Tenant in chiefe, within a yeare after the death of his auncеſter, or a Commiſſion of the ſame effect. And an Office or Inquiſition being therupon taken and returned, ſuch heire may haue liuerie of his lands out of the kings hands, for if the landes of ſuch tenant exceede the yearely value of v. li. no Liuerie therof can be ſued, before ſuch Inquiſition or office found & returned by vertue of ſuch writ or Commiſſion. And ſuch writ or Commiſſion may not paſſe, but by warrant or bil, firſt ſigned & ſubſcribed with the hands & names of the Maſter of the Wardes and Liueries, the Surueior of the Liueries, & the Attorney of the Court of Wardes & Liueries, or ſome of them, 33. H. 8. cap. 22. The forme of which writ inſueth.

SECTIO 152.

A REx Eſchaetori in comit. Eb. ſalut. Quia I. qui de nobis tenuit in capite diem clauſit extremum, vt accipimus. Tibi præcipimus, qd' oĩa terras & tenĩa de quibus idem I. fuit ſeiſitus in dominico ſuo vt de feodo, in balliua tua die quo obijt, ſine dilatione capĩ in manum noſtram, et ea ſaluo cuſtodiri facias, donec aliud inde præciperimus: Et per ſacramentũ proborum & legalium hoĩum de eadem balliua tua, per quos rei veritas melius ſciri poterit diligenter inquiras, quantũ terr' & tenĩorum prædictus I. tenuit de nobis in capite, tam in dominico quam in ſeruitio, in dict' balliua tua dict' die quo obijt, & quantũ de alijs, & per quod ſeruitium, & quantũ terr' &

tenta illa valeant per annũ in oĩbus exitibus, & quo die idem I. obijt, & quis propinquior hæres eius ſit, & cuius ætatis. Et inquiſitionẽ inde diſtinctẽ & apertẽ factam nobis in Cancellar' noſtram ſub ſigillo tuo, & ſigillis eorum, per quos facta fuerit, ſine dilatione mittas &c. Et hoc breue. T. &c.

SECTIO. 153.

BVt if one that holdeth of the Quéenes warde by Knights A ſeruice die, the Diem clauſit &c. must be thus.

Regina dilecto &c. Quia I. de S. qui de hæred' W. de O. B defunct', qui de nobis tenuit in capite, infra ætatem, & in cuſtodia noſtra exiſtent' tenuit per ſeruic' Militar' Diem clauſit extremũ, vt accepimus. Tibi præcipimus, qd oĩa terr' & tenẽt' &c. per ſacramentũ &c. quantum terrarum & tenemẽtorum idem I. tenuit de hered' pdict'. Et quis propinquior hæres eius ſit &c. *vt ſupra.*

SECTIO. 154.

¶ *And if the Queenes warde*, Thus.

REgina &c. Quia R. de H. filius & hæres I de H. defuncti, A qui de nobis tenuit in capite, nuper dum infra ætatem & in cuſtod' noſtra fuit, Diem clauſit extremum, vt accepimus, Tibi præcipimus, qd' per ſacramentũ &c. inquiras, quæ terræ & quę tenta per mortẽ præd' I. & ratione minoris ętatis hæred' prædict' I. ad manus nras deuenerẽ, & ſic in manu noſtra exiſtunt, & quantum inde de nobis tenetur in capite, & quantum de alijs, & per quod ſeruitium, & quantum &c.

SECTIO. 155.

BVt if the wife of the Quéenes tenant which holdeth in A Dower die, his heire being the Quéenes warde, then the Diem clauſit extremum must be made thus.

Rex dilecto ſibi N. de B. Maiori ciuitatis ſuæ London, & B Eſchaetori ſuo in eadem Ciuitate ſalutem. Quia E. quæ fuit' vxor I. de B. nuper defunct', quæ quaſdam terras & quedam tenementa de nobis tenuit in dotem de hæreditate prædict' I. quondam viri ſui, Diem clauſit extremum, vt accepimus.

Tibi

tibi præcipimus quod omnia terras & tenementa, quæ eadem E. ſic tenuit in dotem de hæreditate prædicta in ballium tua &c. per ſacramentū &c. diligenter inquiras, quas terras & quæ tenementa eadem E. ſic tenuit in dotem de hæred' præd' in ballium tua, die quo obijt, & quantum inde de nobis tenet in capite, & quantum de alijs, & per quod ſeruitium &c.

SECTIO. 156.

A If the Quéene haue the wardſhip of a reuerſion, and the tenant for life die, then thus.

B Quia A. quaſdam terras & quædam tenementa de hæred' E. conſanguinei & hæred' H. de P. defuncti, qui de rege tenuit in capite, infra ætatem & in cuſtod' regis exiſtens tenuit ad terminū vitæ ſuę, Diē clauſit extremū &c. tibi p̄cipimus &c.

SECTIO. 157.

A After the death of the tenant by the Curteſie, thus.

B Quia A. qui quaſdam terras & quædam tenta de nobis tenuit per legem Angliæ de hæred' M. vxoris ſuę dudum defunctę, Diem clauſit extremum, tibi præcipimus &c.

SECTIO. 158.

A But if the Quéene haue a remainder, and her tenant for life dieth, then muſt the Writ be thus.

B Quia A. quæ fuit vxor &c. qui quaſdam terras & quædam tenementa tenuit ad vitam ſuam & quæ poſt mortem ipſius A. nobis & hæred' noſtris remanere debent. Diem clauſit extremum &c. tibi præcipimus &c. qui eadem ſic tenuit & quæ poſt mortem &c, remanere debent &c vel ſic poſt mortē prædict' B. ad manus noſtras ratione minoris etatis præfat' hæred' deuenerē &c.

SECTIO 159.

A But if the temporalties of a Biſhop be in the Quéenes handes, and one that holdeth of the Biſhoprick by knights ſeruice dieth the Diem clauſit extremum muſt be thus.

B Regina &c. Quia A. de Archiepiſcopatu Cantuar' vacant

cant̄ & in manu nostra existent̄ tenuit per seruic' militare, Diem clausit extremum &c. tibi præcipimus &c de quibus idem A. fuit seisitus in dominico suo vt de feodo &c. & tenuit de Archiepiscopatu præd' sine dilatione &c,

SECTIO 160.

BUt if the Quéenes Idiot die the writ must be such. A

Quia B. de C. nuper fatuus & Idiota, cuius terræ & tenementa ratione fatuitatis eiusdem B. in manu nostra existunt, diem &c. vt accepimus, tibi precipimus quod per sacrament̄ &c. diligenter inquiras, quæ terræ & quæ tenementa ratione fatuitatis præd' B. in manum nostram capta fuerunt, & adhuc in manu nostra existunt, & de quo vel de quibus teneantur, & per ꝙ seruitium, & quantum terræ illæ valeant &c. & quis propinquior &c. & inquisit̄ &c. B

SECTIO. 161.

¶ *Datur nobis intelligi.*

AND if the Eschetor receiue a Diem clausit extremum, and dy, or be otherwise remoued frō his office before execution thereof, then issueth a writ of Datur nobis intelligi in this forme. A

Regina &c. Cum nuper datur nobis intelligi quod I. de B. qui de nobis tenuit in capite, Diem clausit extremum, preceperimus dilect' nobis W. de O. nuper eschaetori nostro in comitatu prędict̄, quod omnia terras & tenementa &c. vt supra, mutatis mutand'. Ac idem W. ab offic' præd' iam sit amotus, per quod executio breuis nostri prædict' fieri non potest: nos super prẹmissis volent̄ cerciorari, tibi præcipimus, quod per sacrament̄ &c. diligenter super premiss. fac' inquisitionem, & etiam distincte &c. T. &c. B

SECTIO 162.

¶ *Or thus.*

REgina dilecto &c. Cum nuper datur nobis intellegi, quod I. de B. qui de nobis tenuit in capite, Diem clausit extremum, prẹciperimus dilecto & fideli nostro H. de B. nuper eschaetori nostro in eodem Com̄, quod omnes terras &c. sine A

dilatione

dilatione caperet in manum nostram &c. donec aliud inde præcipissemus, & per sacrament̄ &c. inquireret, quantum terræ &c. vt in primo breui. Ac idem H. antequam prædict' breue fuerat executum, ab officio prædict' fuerat amotus: nos volentes super premissa plenius cerciorari, tibi precipimus, quod super articulis prædict' & eorum singulis diligenter facias inquisit̄, & etiam distincte & aperte fact' &c. vt supra &c.

SECTIO. 163.

A BUt if the first Eschetor, execute the Writ and die before the inquisition be returned into the Chancery, then a Cerciorare shall be awarded to his Executors, or administrators to certifie the same Inquisition, for it is a matter of Record so soone as the Jurors haue found & sealed it.

SECTIO 164.

¶ *Of a Mandamus.*

A IF the kings tenant by knights seruice die his heire within age, and no writ of Diem clausit extremum be awarded within a yere after his death, then shall issue a Mandamus in this forme.

B Rex dilecto sibi W. de B. escaetori suo in com̄ B. Salutem. Præcipimus tibi quod per sacramentum proborū & legaliū homiñ de balliua tua, per quos &c. diligent̄ inquiras, quas t̄ras & quæ teñta I. de B tenuit de nobis in capite tam in dominico quam in seruitio in balliua tua die quo obijt, & quantum de alijs, & per quod seruitium, & quantū terræ & tenementa illa valeant per annum in omnibus exitibus & quo tempore idem I. obijt, & quis propinquior &c. & cuius ętatis, & quis vel qui terras & teñta illa a tempore mort̄ præd' occupauit vel occup̄, & exitus & proficua inde præcepit vel p̄ceperunt, quo titulo & qualit̄, & quo modo &c. & inquisitionem &c.

SECTIO. 165.

A THe heire shal haue but one writ of Diem clausit extremū only within a yere after his auncesters death, but where thauncestor died ward to the Quéen & within age, for then

a new Diem clausit extremum shalbe awarded a yeare after the Infants death, and not a Mandamus, *per Regist. fol.*

SECTIO. 166.

¶ *Of Commissions after the death of the Queenes tenant.*

ALso the heire of the Kings tenant by Knights service in chiefe, may sue forth a speciall Commission, directed to certain persons, to inquire what lands &c. as above in a Diem clausit extremum, which Commission will be as beneficial for the heire, as a Diem clausit extremũ. For vpon Inquisition taken by such a Commission, retornable into the Chancerie, he may haue Liuerie at his full age: But he shall neuer haue liuerie vpon a general Commission to inquire of all Wardes &c. A

SECTIO 167.

¶ *Quæ plura.*

THis writ lieth when any of the Heires landes be omitted in a former office or inquisition to find the landes so omitted, and is such. A

Rex escheatori suo &c. salutem. Quia datum est nobis intelligi quod A. defunctus qui de nobis tenuit in capite tenuit die quo obijt plura terras & tenta in comit p̃d', quam tu in inquisitione inde post mort̃ præd' A. de mandato nost̃r capta, & in cancel' nost̃r retornato specificantur, tibi præcipimus, q̃ per sacramentũ proboꝝ &c. inquiras quæ plura terras & tenta idem A. tenuit in com̃ præd', die quo obijt, & de quo, vel de quibus illa plura terræ & tenta teneantur, & per q̃ seruitium, & quantum valeant per annum in omnibus exitibus. Et inquisitionem &c. B

SECTIO. 168.

¶ *Melius inquirendo.*

THis writ lieth where an office found by vertue of a Diem clausit extremũ or commission is vncertain in the tenure, value or tenants estate of the lands or otherwise. But if such incertaine office beforẽ before the escheator ratione officij only, thẽ it is void & no Melius inquirendo shall thereupon be awarded, & the Melius inquirendo is such. A

Rex

A REx eſcaetori ſuo &c. Salutem. Cum per quandam inquiſitionem coram A. eſchaetore noſtro in coīn prædicto de mandato noſtro captam, & in cancellaria noſtra retornat̄ ſit compertum, quod N. defunctus tenuit diuerſa terras & tenementa cum pertinentijs in comitatu prædicto, & quis propinquior hæres eiuſdem N. ſit ex parte patris ſui iuratores inquiſitionis prædicti ignorant: tamen ex parte R. matris prædicti N. filiæ W. B. eſt eius hæres propinquior, & ætatis viginti & vnius annorum & amplius. Et quia in inquiſitione prædict' quis propinquior hæres ipſius N. exiſtat minime ſpecificatur: tibi præcipimus quod per ſacramentum &c. inquiras, quis propinquior hæres prædictum N. exiſtat, qualiter & quo modo. Et inquiſitionem &c. T. &c.

B **And this writ is grauntable vpon ſurmiſe made in the Court, that ſuch former Office is ſo incerteine, as is aboueſaid.**

SECTIO. 169.

A A **nother** Melius inquirend' poſt inquiſitionem imperfectam.

Rex eſchaetori ſuo &c. Cum inquiſitionem coram te de mandato noſtro &c. compertum ſit, quod A. tenuit die quo obijt vnum meſſuag' in N. in comitatu prædicto de B. per ſeruitium militare quodque idem A. tenuit die quo obijt vnum toftum cum pertinentijs in N. in comitatu prædicto, de hærede F. de la Lynd' per ſeruitium militare, & quia in inquiſitione prædicta qualem ſtatum & quale ius idem A. habuit in meſſuagio & tofto prædictis, ſeu de quo vel de quibus eadem meſſuagium & toftum teneantur minime ſpecificatur: nos volentes inde per te plenius Cerciorari, tibi præcipimus &c. inquiras, qualem ſtatum & quale ius idem A. habuit in meſſuagio & tofto prædictis die quo obijt, & de quo vel de quibus meſſuagium & toftum prædictam teneantur, & per quod ſeruitium, qualiter & quo modo. Et inquiſitionem &c. T. &c.

Sect' 170.

SECTIO. 170.

¶ *A Writ de ætate probanda.*

IT behoueth the heire of the Quænes tenant in chiefe be- A
ing in ward at his full age, and before liuerie, to haue a writ to the escheator of the Countie where he was borne, to proue his age. And it seemeth, that such writ may as well be made to the escheator of ỹ countie where his land lyeth, for it may be he was borne where the kinges writ runneth not, as in Ireland, Calice, Barwicke. &c.

Rex dilecto sibi I. de B. eschaetori suo in com̃ B. salutem. B
Quia A. de B. qui M. sororem, & vnam her̃ R. defuncti qui de dño Ed. nuper Rege Angliæ auo nostro tenuit in capite duxit in vxorem, dicit præfat̃ M. plenæ ætat̃ esse, & petit a nobis terras & tenementa, quæ sunt de hæredit̃ ipsius M. & quorum vna pars in manu nostra, & alia pars in custodia I. de H. ex commissione dict̃ aui nostri vsque ad legitimam ætatem hæred' eiusdem existunt, sibi reddend', per quod volumus, quod eadem M. quæ apud G. in comit̃ M. nata est, & in ecclesia eiusdem villę, baptizat̃ fuit vt dicitur, ætatem suam probet coram te. Tibi præcipimus, quod ad cert̃ diem & locum, quos ad hoc prouideris, probationē illam p sacrament̃, tam milit̃ quam probor̃ & legalium hominum de Balliua tua, per quos probatio illa capi, & veritas ætatis præd' melius sciri poterit, & inquiri capias, & scire præf. I. quod tunc sit ibi ad ostendendum, si quid pro se habeat vel dicere sciat quare prædict' H. & præd' M. vt illi qui plenæ ætatis est, si plenæ ætatis sit, terras & tenementa prędict' reddere non debeam⁹, & probationem illam sic captam nobis sub sigillo tuo, & sigillis eorum per quos capta fuerit, sine dilatione mittas, & hoc breue. Teste &c.

SECTIO 171.

¶ *An other forme of the writ* De Ætate probanda.

REx &c. Quia M. de F. filius & hæres I. defuncti, qui de A
nobis tenuit in capite, dicit se plenæ ętatis esse, & petit a nobis terras & tenta quæ sunt de hæreditat̃ sua, & in custodia nostra

nostra vsq; ad legitimam ætatem hered' præd' sibi reddi; per quod volumus q &c. vsque ibi melius sciri poterit & inquiri capias, & tunc sic. Et probationem illam &c. vt supra.

But if the King commit the wardship the Aetate probanda **must mention the same.**

And if the wardship by reason of ẏ temporalities of a Bishopricke be in the Quœnes handes, ẏ writ de Aetate probanda **must mention the same, and yet that is no Court** in capite.

SECTIO. 172.

¶ *Commission pro ætate probanda.*

A REgina dilectis &c. Sciatis quod assignauimus vos ad inquirend' ꝑ sacrament̄ tam militū quā aliorū ꝓborū & legaliū hominum de visnet̄ de N. in com̄ L. si I. filius & hæres B. apud N. natus, & in ecclesia eiusdem villæ baptizatus fuit, & quod ratione minoris ætatis suæ in custodia nostra existit, plenæ ætatis sit, vt dicit, necne. Et ideo vobis mandauimus, quod ad certos diem & locum, quos ad hoc prouideritis, inquisitionem illam faciatis, & illam distincte & aperte factam nobis in Cācellar̄ &c. sine dilatione mittatis, & hoc breue. Mandauimus enim vicec' nostro Lincoln̄ quod ad diem & locum, quos ei scire faciet̄, venire faciat &c. In cuius rei testimonium &c.

B **And vpon this Commission a writ shalbe sent to the shirife to returne a panel before the Commissioners at a certain day before them limitted vnto him by their Precept. Thus.**

SECTIO 173.

¶ *A venire facias to the Shirife vpon the same Commission.*

A REgina Vicecomit̄ &c. Præcipimus tibi, quod summon̄ per bonos summonit̄ xij. tam Milites, quam alios probos et legales homines de visnet̄ de N. quod sint coram dilectis & fidelibus nostris A. B. & C. & hijs quos sibi associauerimus, ad certos diem & locum, quos ijdem A. B. & C. tibi scire facient, parati sacram̄to recognoscere, si F. filius & hæres C. apud

N.

N. natus, & in eccleſia eiuſdem villæ baptiz. fuit, qui ratione minoris ætatis ſuę in cuſtodia noſtra exiſtit, plenæ ætatis ſit, vt dicit, necne, & interim ad prædict' eccleſiam & villam accedant, vt veritatem ætatis prædict', diligenter inquirant, & nomina eorum imbreuiari faciant. Et ſcire facias E. & S. cuſtodibus terr' præd' hæred', quod tunc ſint ibi ad audiend' illam recogn', & ad oſtend' ſi quid obſtare debeat, quare præd' I. terras & tenementa ſua habere non debeat, & habeas ibi nomina illorum duodecem & hoc breue, Teſte &c.

Whereby appeareth that the committæ of the King ſhal be warned to be there. But if the King haue the Ward in his owne handes, then this clauſe Et ſcire facias E. & S. cuſtodibus &c. **ſhall be omitted in the writ.**

SECTIO. 174.

¶ *Of Homage done or reſpited.*

When a writ de Aetate probanda **is executed and returned, and that the heire hath proued his age, then he muſt do homage, or agree with the Quéene to reſpect the ſame, & pay reliefe before Iuerie ſued: and a writ teſtifying homage to be done, when the heire is at full age at the death of his auncеſtors.** A

REgina Eſchaetor &c. Sciatis quod cepimus homagium I. de H. filij & hæred' B. de H. defuncti, de oĩbus terris & tenemẽtis quæ idem B. pater ſuus tenuit de nobis in capite die quo obijt, & ei terras & tenta illa reddidimus: Et ideo tibi præcipimus, qd' accepta ſecuritate á pfat' I. de rationabili releuio ſuo nobis ſoluend', ad Scaccariũ noſtrũ, eidem I. de oĩbus terris & tenentĩtis præd', & de quibus præfat' B. pater ſuus fuit ſeiſitus in dñico ſuo vt de feodo in balliua tua, die quo obijt, quæq; occaſione mortis eiuſdem B. capt' ſunt in manũ nr'am, plenam ſeiſinam habere facias: Saluo iure cuiuſlibet, & ſalua Matildę quæ fuit vxor B. rationabili dote ſua, ipſam de terris & tenementis prædict', ſecundum legem & conſuetudinem regni A

regni nostri Angliæ contingent, ei per nos assignand'. Teste meipsum, &c.

SECTIO. 175.

But if the heire were in ward, and hath proued his age the writ of the homage receiued must be thus.

A REgina &c. Quia N. de E. fil' & hæres R. de C. defuncti, qui de domino Ed. nuper Rege Angl. auo nostro tenuit in capite, ætatem suam coram te sufficienter probauit, sicut p probationem de mandato nostro captam, & in Cancell. nostram retornat, est compertum, ceperimus homagium ipsius N. de omnibus terris & tenementis quę idem R. pater suus tenuit de dicto auo nostro in capite, die quo obijt, & ei terras & tenementa illa reddidimus. Ideo tibi præcipimus, quod eidem N. de omnibus terris & tenementis prædict', de quibus prædict' R. pater suus fuit seisitus in dominico suo vt de feodo in balliua tua die quo obijt, & per mortē eiusdem R. in manū dicti aui nostri capta fuer, & in manu nostr sic capta existunt, plenam seisinam habere facias, saluo iure cuiuslibet. Teste &c.

SECTIO 177.

¶ Diem clausit extremum post mortem felonis.

A **WHen the King hath the Landes of the wife by reason that her husband was outlawed for felonie, then after the husbands death the** Diem clausit extremum **is such.**

Quia A. cuius terræ & tenementa, quæ ipse tenuit de iure & hæreditate N. nuper vxoris suæ, ad huc superstitit, ad ad manus domini E. nuper Regis Angl' 4. post conquestum, occasione cuiusdam vtlagariæ in ipsum A. pro quadam felonia, vnde indictat' fuit, vt dicit, promulg', deuener, in manu domini H. &c. patris nostri exstiterunt, & sic in manu nostra existunt, diem clausit extremum &c. Tibi præcipimus quod per sacramentum &c. inquiras q̄ tenta, ratione felonię pręd', ad

manus

manus ipsorũ nuper regis deuenerẽ, & adhuc in manu nostra sic existunt, & de quo vel de quibus teneantur, & per quod seruitium, & qualiter, & quo modo, & quantum terræ & tenementa illa valeant per annum in omnibus exitibus iuxta verum valorem eorundem, & quis vel qui terras & tenementa illa à tempore perpetrationis feloniæ præd' occupauit, vel occupauerunt, & exitus & proficua inde percepit vel perceperunt, quo titulo, qualiter, & quomodo, & inquisit̃ &c.

Many other thinges of this Argument might here bée inserted, if time and leasure would permit, but these few for this present may suffice.

Nihil simul & natum & perfectum.

W. WEST.

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